

21.09.2020

BP/BR
SL.57

CRM 6941 of 2020
With
CRAN 1 of 2020

(Via Video Conference)

In re: An application for bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Jagacha Police Station Case No. 83 of 2020 dated 25.04.2020 under Sections 188/269/270 of the Indian Penal Code.

In the matter of : Basant Lal Jaiswal @ Basant Jaisawal...petitioner

Mr. Sandipan Ganguly, Senior Advocate
Mr. Anand Farmania
..for the petitioner.

Mr. Goutam Wilson
..for the State.

Mr. Ganguly, learned Senior advocate for the petitioner submits that the initiation or continuation of the proceedings are against the provisions of law as the police authorities do not have jurisdiction to initiate the instant case.

Learned advocate for the State produces the case diary and draws the attention of this court to the seizure list which reflects that huge amount of liquor is recovered from the godown of the present petitioner.

We have considered the materials in the case

diary and having considered the fact that the recovery was from the godown of the present petitioner, we are of the opinion that the investigation cannot proceed without the present petitioner furnishing further information to the investigating agency. As such the necessity of the custodial detention of the petitioner cannot be ruled out.

Accordingly, the prayer for anticipatory bail is rejected.

The application for bail being C.R.M. 6941 of 2020 and C.R.A.N. 1 of 2020 are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)