

Serial no.45.
September 25, 2020.
SG

CRM 7170 of 2020

In Re. An application for bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No.404 of 2020 dated 29.06.2020 under Section 46 of the B.E. Act.

In the matter of: Deepak Mahato

...petitioner.

Ms Madhushri Dutta Majumdar

... for the petitioner.

Mr Niloy Chakraborty

Mr Aniruddha Biswas

... for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims to be a chauffeur by profession and says that on the basis of his driving licence being in the vehicle, the petitioner has been implicated in the case.

The State says that the vehicle was found with 6000 bottles of IMFL smuggled from out of State. The vehicle was seized at Gosalamore, Jalpaiguri. The petitioner's driving licence was found in the vehicle.

Considering the circumstances, particularly since the petitioner was not found in the vehicle at the relevant time, the petitioner is entitled to obtain anticipatory bail. However, the petitioner must cooperate with the investigation and the petitioner should not leave the State without the previous

permission of the investigating officer or the trial court, as the case may be.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer. The petitioner will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 7170 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)