

12. 22.09.2021

Ct.32

Tanmoy

Rejected

**C.R.M. 3061 of 2021**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **26/03/2021** in connection with **Kanksa Police Station Case No. 45 of 2021** dated **04/02/2021** under Sections **379/411/413/414/467/468/471/120B** of the Indian Penal Code read with Sections **21/22** of the Mines and Minerals Act.

And

In the matter of: - **Saiful Gazi @ Saipul Gazi & Ors.**

...petitioners.

Mr. Sabir Ahmed,  
Mr. Sandip Kumar Mondal

...for the petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,  
Mr. Dipankar Pramanick

...for the State.

The petitioners say that they are the owners of 14 trucks which were apprehended by the Police. The trucks were transporting sand, presumably stolen sand.

The petitioners say that they have no complicity in the alleged offence. They have no idea that stolen sand would be transported in their trucks. Forged Challans and other documents have been seized by the Police. The petitioners say that they have no role to play in such forgery.

We have seen the material in the Case Diary. Stealing sand from the riverbeds is a big racket at least in our State. It is quite possible that the petitioners are hand in glove with the actual people who were transporting sand. However, we do not make any comment in that regard, it is for the Investigating Officer to find out the truth.

On an overall assessment of the facts and circumstances of the case and the possibility of complicity of the petitioners in the alleged offence and since investigation is in progress, we are not inclined to allow the prayer of the petitioners for anticipatory bail.

Accordingly, the application for anticipatory bail being C.R.M. 3061 of 2021 is **dismissed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

**(Bivas Pattanayak, J.)**

**(Arijit Banerjee, J.)**