

15.02.2021
SL No.18
Ct. No.1.
S.D.

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)
C.R.M. 189 of 2021**

An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **29/01/2021** in connection with **Cooch Behar Kotwali** P.S. Case No. **522 of 2020** dated **26.11.2020** under Section **341/186/189/332/353/34** of the Indian Penal Code.

And

In the matter of: **Rajib Hossain & Ors.**

.....Petitioners.

Md. Sabir Ahmed
Mr. Hillol Saha Podder

...for the Petitioners.

Mr. Nilay Chakraborty
Ms. Namrata Das

...for the State

Three petitioners are apprehending arrest in connection with Cooch Behar Kotwali Police Station Case No. 522 of 2020 dated 26.11.2020 for the alleged offences punishable under Sections 341/186/189/332/353/34 of the IPC pending before the Court of learned Chief Judicial Magistrate, Cooch Behar. The allegations levelled against the petitioners are with regard to manhandling and holding out threat on the Excise Officers when the Officers went to conduct raid in the Disco Restaurant cum Bar at 20.15 hrs for stock checking of the shop and while they were board in the vehicle at about 20.50 to 20.55 hrs.

It is submitted that the petitioners are in no way involved in the offence as they are not the persons connected with the Disco Bar cum Restaurant. It is also pointed out that no notice was served on the petitioners as required under Section 41A of the Code of Criminal Procedure. The offence alleged is the offence which is punishable upto seven years.

Having regard to the Case Diary and having heard rival contentions advanced by the Advocate for the petitioners and the learned Advocate for the State and finding no initial order of the Excise Department for the official, to conduct the raid in the Disco Restaurant cum Bar and any medical evidence of hurt, the petitioners be admitted on anticipatory bail in the event of their arrest by the Arresting Officer upon furnishing a Bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each to the satisfaction of the Arresting Officer and on further condition that the petitioners would meet the Investigation Officer once in a week till the submission of the charge sheet and to adhere to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Accordingly, the application being CRM 189 of 2021 is disposed of.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)