

12.05.2022

Sl. No.05.
Mithun
Ct.No.42.

CRM (SB)/91/2022

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Falta Police Station Case No.62/2022 dated 18.03.2022 under Sections 272/273 IPC and 46A(C) Bengal Excise Act, 1909 corresponding to G.R.Case No.780 of 2022.

In the matter of : **Bibhash Koyal alias Bibhassh Kayal & Anr.**
...Petitioners.

Mr. Mit Guha Roy, Adv.

...for the petitioners.

Ms. Anasuya Sinha, Adv,
Mr. Pinak Kr. Mitra, Adv.

...for the State.

The accused persons were apprehended and have been in custody in a case under Sections 272/273 of the Indian Penal Code read with Section 46A (C) of the Bengal Excise Act. Contraband articles were seized from the accused. They are in custody specially because other co-accused persons, who allegedly fled away from the spot at the time of raid, are not apprehended as yet.

Though the learned Public Prosecutor-in-Charge has raised serious objection against the prayer for bail, I am of the view that so far as the present petitioners are concerned, no fruitful purpose will be served if they are kept in custody. For the purpose of apprehension of accused persons, a person cannot be detained in custody.

In view of such circumstances, the accused persons are enlarged on bail of Rs.10,000/- of one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Diamond Harbour with further conditions that if on bail, they must meet the Investigating Officer of this case once in a month till submission of charge-sheet.

(Bibek Chaudhuri, J.)