

02.08.2022

Sl.13
Court No.29
(AD)
(Rejected)

C.R.M. (A) 3559 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Barjora** Police Station Case No.**39 of 2022** dated **23/02/2022** under Sections **379/411/413/414/188/120B** of the Indian Penal Code read with Section **21** of Mines and Minerals (Development and Regulation) Act, 1957.

And

In the matter of: **Sanjit Sarkar**

....petitioner.

Mr. Sourav Chatterjee
Mr. Avik Ghatak
Mr. Soham De Dhara

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Arijit Ganguly
Mr. Arani Bhattacharyya

...for the State.

The petition is taken up for consideration subsequent to the order dated July 28, 2022.

Report submitted in Court be taken on record.

There are allegations of illegal mining as against the petitioner.

It is claimed on behalf of the petitioner that the vehicle seized by the police does not belong to the petitioner.

The report dated July 31, 2022 filed in Court suggests that the petitioner is involved in other police case under the Mines and Minerals Act also.

Learned Advocate appearing for the petitioner submits that the petitioner was enlarged on anticipatory bail in such police case, *inter alia*, on the ground that the petitioner possess a valid mining licence and the vehicle seized therein belong to the petitioner.

The police are not saying that there does not exist a valid

mining licence in favour of the petitioner. The police are claiming that the petitioner is extracting mines from areas which were not allotted to the petitioner and that the petitioner does not possess any mining lease in respect thereof.

In view of the gravity of the offence, the involvement of the petitioner therein and the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 3559 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)