

07.09.2022

Sl. No. 02.

S/L.

Mithun.

Ct.No.42.

CRM(SB)/210/2022

Amit Ghorui @ Vadu

Vs.

The State of West Bengal.

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Arambagh Police Station Case No.228 of 2022 dated 16.08.2022 under Sections 379/411 of the Indian Penal Code read with Sections 21(1) & 21 (4) of the Mines & Mineral (Development and Regulation) Act, 1957 read with Rule 33 of Minor Mineral Rules now pending before the Court of learned Additional Chief Judicial Magistrate, Arambagh.

Mr. Niladri Sekhar Ghosh, Adv.

Ms.Srimoyee Mukherjee, Adv.

Ms. Sompurna Chatterjee, Adv.

Mr. Sourav Mondal, Adv.

...for the petitioner.

Mr. Sudip Ghosh, Adv.

Mr. Bitasok Banerjee, Adv.

... for the State.

The accused is in custody for about 21 days in connection with above-mentioned case.

It is submitted on behalf of the accused/petitioner that the accused was intercepted when he was carrying a truck full of sand from a particular school premises for delivery to the side of the new school premises. The sand was seized. Therefore, his detention further in the custody is not necessary.

Learned Public Prosecutor-in-Charge frankly submits that whether the seized sand was collected from the school compound or from riverbed can only be decided at the time of trial on the basis of evidence on record.

Considering such aspect of the matter, this Court is of the view that at this stage the accused should be enlarged on bail.

The accused may find bail of Rs.20,000/- with two sureties of Rs.10,000/- each to the satisfaction of the learned Additional Chief Judicial Magistrate at Arambagh with further condition that if on bail, he must attend the trial of the case in the Trial Court.

The application is, thus, **disposed of**.

(**Bibek Chaudhuri, J.**)