

**28.10.2022**

**rkb/sb**

**Sl. No. 06**

**Ct. No. 28**

**CRM(DB) 3825 of 2022**

Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Leather Complex P.S. Case No. 103 of 2020 dated 08.10.2020 under Section 395/397 of the IPC and Section 25(1B)(A)/27 of the Arms Act.

In Re : Johab Ahmed @ Jokab Ahmed @ Zohaib  
..... petitioner

Mr. Sourav Paul  
..... for the petitioner

Mr. Madhusudan Sur  
Mr. Dipankar Pramanick  
.....for the State

This case has been registered under Section 395/397 of the IPC and Section 25(1B)(A)/27 of the Arms Act.

The advocate-on-record for the petitioner submits that he does not want to move this application before this Bench. He wants to go before the regular Bench. However learned advocate for the State vehemently objected by submitting that he has filed the case here before the Vacation bench and when the learned advocate for the State is waiting with the case diary with some serious statement to make before this Court the petitioner cannot shop forum. The matter is to be taken by this Court.

This Court decides that if the Court thinks that the matter is required to be sent to the regular Bench then only the matter will be sent to the regular Bench, otherwise not.

The petitioner submits that the accused is in custody for more than two years. However, learned advocate for the State submits that it is a petrol pump dacoity and six witnesses have been examined and two witnesses have been identified. The petitioner is an accused and if bail is granted at this stage the whole effort of the prosecution will be frustrated.

In such circumstances, we see that the petitioner has been made this application with some ulterior motive and this bail application is rejected.

There shall be custodial trial of the accused.

**(Bibhas Ranjan De, J.)      (Abhijit Gangopadhyay, J.)**