

30.11.2022
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allowed

CRM(DB) No. 4212 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haringhata Police Station Case No. 278 of 2022 dated 01.08.2022 under Sections 272/273 of the Indian Penal Code and Section 46AA of the West Bengal Excise Act.

And

In Re : Hamidul Biswas petitioner

Mr. Niladri Sekhar Ghosh
Mr. Sourav Mondal
.....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya
..... for the State

Learned Counsel appearing for the petitioner submits no one died in the course of the incident. Liquor has already been seized.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Illicit liquor has already been seized. Hence, detention of the petitioner for progress of the investigation is not necessary. Investigation is also complete. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate,

Kalyani, Nadia, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)