

11.01.2022
Item no.18.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (DB) No. 3 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Banarhat Police Station Case No.411 of 2021 Dated 01.11.2021 under Section 46 of the West Bengal Excise Act.

And

In the matter of: Ram Sarkar @ Ram Narayan Sarkar.

.....Petitioner.

Mr. Sudip Guhafor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Royfor the State.

The allegation is that from the petitioner's shop, illicit foreign liquor and country liquor of the total quantity of 32.5 liters were seized.

The petitioner says that he is prepared to fully co-operate with the Investigating Officer. His custodial detention is not necessary.

We have considered the facts and circumstances of the case and seen the material on record. Given the nature of the allegations, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Ram Sarkar @ Ram Narayan Sarkar** 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 arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer of the concerned police station once in a week until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(DB) No. 3 of 2022 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)