

31.01.2023

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Ct. No. 29

**KAUSHIK  
REJECTED**

**C.R.M.(A) 385 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Andal** Police Station Case No. **430** of **2022** dated **04.11.2022** under Sections 379/411/413/414/120B/34 of the Indian Penal Code and Section 30(2) of the C.M.N. Act.

And

In Re : Sadhan Mondal

..... petitioner

Mr. Prabir Kumar Mitra

Mr. Pinak Kumar Mitra

Ms. Ariba Shahab

....for the petitioner

Mr. Madhusudan Sur

Mr. Manoranjan Mahata

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner refers to an order dated May 12, 2022 passed in WPA 4636 of 2021. He submits that, subsequent to the filing of such writ petition and the order passed therein, the police are inimical to the petitioner and are harassing the petitioner. In the present police case, the petitioner is not named in the First Information Report. All other co-accuseds were enlarged on bail by the Magistrate Court.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, there are at least two police cases as against the petitioner involving smuggling of coal. The petitioner is

required for the purpose of investigation. He opposes the prayer for anticipatory bail.

The petitioner approached the Writ Court by way of WPA 4636 of 2021 claiming that the petitioner is engaged in the business of transportation of the coal to the retailer. It was alleged in such writ petition that the police was delaying the inspection process and were demanding illegal gratification for the purpose of allowing the trucks to pass after inspection. An order dated May 12, 2022 was passed by the Court directing the police not to harass the trucks passing through the area or to unduly delay clearance. The police, may, however, carry out their regular duties of inspection, strictly as per rules.

There are two police cases pending as against the petitioner dated September 6, 2021 and July 8, 2022 at Baraboni Police Station.

The present police case is at Andal police station.

There are materials in the case diary suggesting involvement of the petitioner in the smuggling of coal.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 385 of 2023 is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

