

04.10.2023

SL. 12

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3528 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Santipur** P.S. Case No. **224 of 2017** dated **25.05.2017** under Sections **272/273/420/120B** IPC corresponding to G.R. Case No. **1010 of 2017** pending before the learned ACJM, Ranaghat.

And

In the matter of: **Somnath Sarkar**

....petitioner.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Biswajit Manna

...for the petitioner.

Mr. Sudip Ghosh
Mr. Saryati Datta
Mr. Bitosok Banerjee

...for the State.

1. Heard learned Counsel for both the parties.
2. Sometime in May, 2017 raid was conducted in the business premises of one Nemai Ghosh and large number of 'ghee' was seized. On being tested those 'ghee' was found to be adulterated. In course of investigation it came to light that a part of the 'ghee' stacked in the business premises of Nemai Ghosh had been sent to the present petitioner who is a retailer. But admittedly nothing was seized from the business premises of the present petitioner. The basis of implication of the present petitioner is seizure of the aforestated challan issued by Nemai Ghosh in the name of the petitioner and the statement of the witness to the effect that the present petitioner was procuring materials including 'ghee' from Nemai Ghosh.
3. The offence alleged in the case though investigated by the Police is, however, technical in nature. Nothing having been seized from the business premises of the present petitioner and there being nothing on record to show that the present petitioner had

ever sold adulterated 'ghee' to public, we deem it just and proper to give him the benefit under Section 438 Cr.P.C. We also do not find any justification for custodial interrogation of the present petitioner.

4. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Ranaghat within 15 days from today in the G.R. case No. 1010 of 2017 arising out of aforesaid P.S. case.
5. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. The learned ACJM, Ranaghat is directed to act upon the server copy of this order, if required.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3528 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

