

21.09.2023
M/L 232
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3840 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jamuria P. S. Case No.178 of 2022 dated 18.04.2022 under Sections 420/406/468/471/120B of the Indian Penal Code (G.R. No.1257 of 2022).

In the matter of : Sanjay Kumar Singh

... Petitioner

Ms. Minoti Gomes,
Ms. Tanuja Banerjee

... for the petitioner

Mr. Arijit Ganguly,
Mr. Avik Ghatak

... for the State

1. Heard learned counsel for the parties.
2. The present petitioner is stated to be a transport commission agent who had arranged the vehicle on the request of the informant. The owner of the vehicle arranged the vehicle for the informant and sent the goods for the informant to Punjab through her driver, whose name is there in the FIR.
3. It is alleged that the goods did not reach its destination. The present petitioner is alleged to have taken about Rs.20,000/- as brokerage being a transport commission agent.
4. It is submitted by learned counsel for the petitioner that neither the petitioner was present when the vehicle was loaded and set for its destination to Punjab. Such

submission of learned counsel for the petitioner is, however, disputed by learned counsel for the State on the ground that some witnesses have stated that the petitioner was also present.

5. Be that as it may, the presence of the petitioner at the time of loading of the vehicle being admittedly a transport agent broker does not make him liable, *prima facie*, so far as non-reaching of the consignment to its destination is concerned. The driver and the owner of the said vehicle, which was hired by the informant, are, however, *prima facie* liable.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R. No.1257 of 2022 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
9. The applications being CRM(A) 3840 of 2023 is disposed of.

10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)