

01.09.2023.
28.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3432 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili P.S. Case No.256 of 2022 dated 07.11.2022 under Section 380 of the Indian Penal Code and charge sheet submitted under Sections 409/120B/34 of the Indian Penal Code.

In the matter of : Baladitya Barik.

... Petitioner.

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Ms. Susmita Saha Dutta,
Mr. Angshuman Chakraborty,
Mr. Asit Kr. Manna,
Mr. Niladri Saha,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya,
Mr. Bibaswan Bhattacharyya.

...for the State.

1. Petitioner is in custody for 94 days. He submits he has been falsely implicated. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits he was in-charge of the Customs Unit wherefrom seized gold was misappropriated.
3. We have considered the materials on record. Petitioner was in-charge of the Customs Unit wherefrom seized gold was misappropriated. He stands on a completely different footing from co-accused who have been enlarged on bail.
4. In view of prima facie involvement of the petitioner in abusing official position to misappropriate seized property, we are of the view this is not a fit case to grant bail to the petitioner at this stage.

5. Accordingly, the prayer for bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)