

14-08-2023
Court No.3
mg/4.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

**C.R.R. 106 of 2019
with
IA No. CRAN 1 of 2019**

**MANISH BANSAL
Vs.
State of West Bengal & ANR.**

Ms. Rima Sarkar
Mr. S. Sethia
... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sourav Ganguly
...for the State

This is an application filed under Section 482 read with 401 of the Criminal Procedure Code for quashing CR case no. 273 of 2014 under Section 46A(c) of Bengal Excise Act, 1909 and quashing of the prosecution report PR no.27/14-15 dated 7.08.2014.

It is strenuously argued by the Learned Counsel that nothing is there on record to show any violation of the Bengal Excise Act. Learned Counsel relies upon Single Bench judgment of this High Court passed in WP No. 17170(W) of 2014.

Learned Counsel for the State on the other hand submitted that complicated factual matrix inheres in this instant case for which it cannot be quashed summarily. There are serious allegations against the present petitioner.

The annexure of the petition shows that there is an allegation of transport of spirit on the basis of an authority which was issued by one officer who had retired from the service at the point of time of issuance of such authority. The very basis of transport of spirit as contemplated in Section 12 is highly questionable. On that ground Section 12 of the Bengal Excise Act along with Section 46(1) (c) is invoked.

On perusal of the record it appears that the Order passed by the Single Bench in exercise of writ jurisdiction was on the basis of different facts. In the instant case allegation of use of forged or manufactured document was used to transport spirit. Prima facie there are materials against the Petitioner which do not warrant quashing of the charges.

Accordingly, the application stands dismissed.

(SUGATO MAJUMDAR, J.)