

08.06.2023
SL No.21
Court No.1
Sg/Saswata
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 268 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Excise case related with SI's S.L. no. 181/2022-23, dated 06.03.2023 under Sections 466(A)a)/466A(b)/ 466A(c)/ 466A(cc)/46A(e)/ 52 of the Bengal Excise Act,1909.

And

In the matter of : **Prabir Das @ Bappa Das**

- Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Kallol Acharjee

Mr. Biswarup Roy

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
2. The learned Counsel for the State submits that large quantities of contraband articles, namely, fake liquors were found in the house of the petitioner and he does not have any licence.
3. Considering the materials available with the case diary and having regard to the nature of the allegation and having regard to the fact that no notice was served upon the petitioner, we **allow** the application for anticipatory bail on the following conditions.

- i. We direct that in the event of arrest, the accused/petitioner, namely, **Prabir Das @ Bappa Das**, be released on bail upon furnishing

a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

ii. The petitioner shall meet the Investigating Officer once in a week till the filing of the charge sheet.

iii. The petitioner shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.

4. The application for anticipatory bail is, thus, disposed of.

5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)