

07.06.2023
SL No.60
Court No.1
(gc)
(Allowed)

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

CRM (A) 276 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Madarihat Police Station Case No.30 of 2023, dated 05.03.2023 under Section 46 of the Bengal Excise Act.

And

In the matter of : **Krishna Kumar Brahma**

- Petitioner.

Mr. Sourav Ganguly,
... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.

The learned Counsel for the State submits that 22 numbers of bottles 50up Bhutan Whisky, each bottle containing 750 ml liquor was found in the house of the petitioner and he does not have any licence.

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.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely, **Krishna Kumar Brahma**, 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 and on further condition that the petitioner shall meet the Investigating Officer once in a week till the filing of the charge sheet and 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.

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

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.)