

12.06.2023
SL No.32
Court No.1
(gc)
(Allowed)

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

CRM (A) 336 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kalimpong Police Station Case No.40 of 2023, dated 16.04.2023 under Section 77 of the Juvenile Justice (Care and Protection of Childre) Act and Section 51 of the Bengal Excise Act.

And

In the matter of : **Sumit Agarwal @ S. Agarwal & Ors.**

- Petitioners.

Mr. Soumya Nag,
Mr. Chandan Dey,
Mr. Deborshi Dhar,
Mr. Aditya Tiwari,
Mr. Priyam Biswas,
Ms. Namrata Chatterjee,
... For the Petitioners.
Mr. Kallol Acharjee,
Mr. Arjun Chowdhury
... For the State.

The learned Counsel for the petitioners submits that the petitioners are the partners of one Roxberry Pub and Café and they are in no way connected with the alleged offence.

The learned Counsel for the State in opposing the prayer for anticipatory bail submits that the FIR discloses an offence of selling liquor to an under-age and it is in violation of Bengal Excise Act and the relevant provisions of the Juvenile Justice Act.

Considering the materials available in the case diary, the nature of involvement of the petitioners in the commission of alleged offence and the petitioners are entitled to notice under Section 41A of the Cr.P.C. and on an undertaking that the petitioners shall cooperate with the investigation, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners be released on bail upon furnishing a bond of Rs.20,000/- each, 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 petitioners shall meet the Investigating Officer twice in a week till the charge sheet is filed 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.)