

D/L. 34.
September 14, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 739 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 01.09.2023 in connection with CR 457 of 2021 arising out of Bagdogra RPU S.L. No. 01 of 2021 dated 24.07.2021 under Section 46A(c)/53 of Bengal Excise Act, 1909 as amended, corresponding to P.R.No.04/21-22 dated 14.01.2022.

And

In the matter of: Sri Shekhar Chowdhary @ Sekhar Choudhury

.... petitioner

Mr. Kalipada Das

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner contends that the petitioner is the alleged owner of a vehicle from which the articles-in-question were seized.
2. However, since prosecution office report has already been filed and no case for custodial interrogation has been made out, the petitioner seeks anticipatory bail.
3. Learned counsel for the State opposes the prayer for anticipatory bail and submits that huge quantity of illegal liquor was recovered from the petitioner's vehicle.

4. However, we find from the records that prosecution office report has already been submitted and do not find any reason for custodial interrogation of the petitioner.
5. Accordingly, CRM (A) 739 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.
6. In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri.
7. The petitioner shall not leave the territorial jurisdiction of the trial court throughout the period of trial and shall attend each and every date as and when same commence.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)