

22.04.2024
tkm/ct 28
sl no. 48

C.R.M. (DB) 1249 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with Bardhaman P.S case no. 733 of 2022 dated 8.7.2022 under section 302/328/272/120B IPC

And

In Re : Ganesh Paswan

..... petitioner

Mr. K Choudhury
Mr. S Hazra

..... for the petitioner

Mr. Jaydep Biswas
Mr. Inzmam ul Haque

..... for the State

1. Petitioner is in custody for about two years. He submits that there is delay in trial. He prays for bail.
2. Learned lawyer for the State submits seven people had died due to consumption of illicit liquor sold by the petitioner. Date has been fixed for consideration of charge.
3. We have considered the materials on record. Allegations against the petitioner are serious. We are surprised to note that the investigating agency in a case resulting in multiple deaths due to consumption of illicit liquor has filed a police report under section 304 IPC instead of section 302 IPC. Trial court shall address this issue at the time of consideration of charge. Keeping in mind the gravity of offence, we are not inclined to grant bail to the petitioner at this stage.
4. Accordingly, prayer for bail is rejected.
5. Department is directed to communicate this order to the trial court and report compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)