

20.08.2024

Item No.4

Ct.No.34

b.das

Allowed

C.R.M. (SB) 110 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Durgachak Police Station Case No. 133 of 2024 dated 06.06.2024 under Sections 407/420/120B of the Indian Penal Code.

And

In Re : **Ashish Kumar**

... Petitioner.

Mr. Sandipan Ganguly
Mr. Abdul Hamid Molla
Md. Abdul Halim
Mr. Narayan Das
Ms. Nupur Chaudhuri
Sk. Zafir

... for the Petitioner.

Mr. Debasish Roy
Mr. Arijit Ganguly
Ms. Puja Goswami

... For the State.

It is submitted on behalf of the petitioner that allegations under Section 407/420/120B of the Indian Penal Code have been thrust upon the petitioner on the basis of seizure of 71 boxes of Mahakosh Soyabean oil from his shop. The petitioner is a dealer in the said oil and has produced receipts which prima facie demonstrate that he purchased the same from various shops in Bihar.

Learned counsel for the State produces the Case Diary and opposes the prayer.

It appears that the petitioner was arrested on 26th June, 2024 and there has not been much progress in the investigation of the case thereafter.

According to the learned counsel for the State, the receipts produced by the petitioner are yet to be verified.

Considering the material on record as well as the nature of the offence, this Court is of the view that further detention of the petitioner is not required for the purpose of custodial interrogation, more so since the petitioner is in custody for about 55 days.

Accordingly, the prayer for bail is allowed.

The petitioner, namely, **Ashish Kumar** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Haldia subject to condition that he shall meet the investigating officer as and when called for and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for bail, being CRM (SB) 110 of 2024 is thus disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)