

03.01.2024
Item No.76
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4389 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Majia** Police Station Case No. **158** of **2019** dated **02.11.2019** under Sections **5/6** of the Explosive Substances Act, 1908.

And

In the matter of : Kamirul Khan @ Komirul

..... petitioner

Mr. Kaushik Chaudhury,
Ms. Busra Khatun
....for the petitioner

Mr. Rudradipta Nandi, Ld. A.P.P.
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary.

We find that the police case is dated November 2, 2019. There is an issue of long absconsion.

Petitioner approached the jurisdictional Court with prayer for anticipatory bail which was rejected on September 6, 2023.

Thereafter the present application was filed.

We find from the seizure list that 50 packets of live Aluminum instantaneous electric detonator were seized by the police apart from explosive power gel of 400 pieces and Aluminum Nitrate Optimax of 250 kg.

The vehicle from which the seizure was made belongs to the petitioner.

Constructive possession of such explosive material cannot be overlooked. As noted above, there is an issue of long absconsion.

In such circumstances, we are unable to extend the interim order of anticipatory bail granted on October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4389 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)