

17
21.04.2025
Ct.No.34
b.das
Rejected

C.R.M. (DB) 332 of 2025

In Re : An application for bail under Section 483 of BNSS, 2023 filed in connection with Raiganj Police Station Case No.1328 of 2023 dated 14.12.2023 under Sections 302/201/120B/34 of the Indian Penal Code read with Section 25(i)(a)/27/35 of Arms Act.

And

In Re : **Sumit Nag @ Puchka**

... Petitioner.

Mr. Ayan Basu
Mr. Amit Roy
Mr. Sumit Routh

... for the petitioner.

Ms. Anasuya Sinha
Ms. Mousami Sarkar

... for the State.

Ms. Trina Mitra

...for the de facto complainant.

Status report submitted by the State is taken on record.

Heard learned counsels for the parties.

The petitioner is in custody for more than a year. The case is yet to be committed.

Learned counsel for the petitioner submits that the seized pen drive is not accompanied by certificate under Section 65B of the Indian Evidence Act as appears from the seizure list.

The offending gun was seized from a place accessible to the public. There is no ballistic report which connects the fired bullet to the seized fire arm. Also, though the place of occurrence is covered by a CCTV, the petitioner has not been identified as one of the assailants therein.

Opposing the prayer, learned counsel for the State submits that the ballistic report received by the investigating agency demonstrates that the bullet found in the person of the victim was fired from the seized fire arm as shown by the petitioner.

Learned counsel takes this Court to the certificate under Section 65 B of the Indian Evidence Act.

I have considered the material on record. The seized fire arm was recovered at the instance of the petitioner and the bullet found in the person of the victim has matched with the said fire arm.

There is material in the case diary connecting the petitioner to the alleged offence. The petitioner is in custody for more than a year. In the event of conviction, the minimum punishment shall be life imprisonment.

Considering the material in the case diary, gravity of the offence and extent of complicity of the petitioner in the alleged offence, the prayer for bail is rejected at this stage.

The application for bail 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.)