

25.02.2025

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Rejected

C.R.M. (A) No. 658 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Cokeoven Police Station Case No. 105 of 2023 dated 10.07. 2023 under Sections 420/407/120B of the Indian Penal Code.

And

In Re : Sandip Singh petitioner

Mr. Niladri Sekhar Ghosh

Mr. Subarna Bank

.....for the petitioner

Mr. Subhamoy Bhattacharya

Mr. Debarshi Brahma

..... for the State

1. Learned Counsel for the petitioner submits his father is the owner of the truck which was used to transport coal to the *de facto* complainant, 'M/s. Shagun Logistics' was responsible for uploading the consignment in the truck which was driven by one Amir Sk. *De facto* complainant found that the coal was substandard and petitioner has been falsely implicated. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner was the driver of the truck which was used to transport coal. He had replaced the consignment with substandard coal.

3. We have considered the materials on record. *De facto* complainant had purchased coal from Adani Enterprise. Coal was transported through 'M/s. Shagun Logistics' who had hired the vehicle for transportation. Prosecution contends petitioner was the driver and had replaced the consigned coal with substandard one. But petitioner submits the driver was one Amir Sk. who was appointed by 'M/s. Shagun Logistics'. However, he admits his father is the owner of the truck which was used for transportation. It is common knowledge that the truck owner assigns the driver for transportation. In this backdrop complicity of the petitioner as the driver is evident and his custodial interrogation is necessary to investigate the misappropriation of coal with substandard material. Hence, we are not inclined to grant anticipatory bail to the petitioner.

4. Accordingly, prayer for anticipatory bail is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)