

24.09.2025
Sl. No.15
NB

CRM (A) 1152 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Marshida PS Case No.470/2024 dated 29.12.2024 under Sections 406/420/34 of the IPC.

And

In the matter of: Sh. Rajeev Kumar

... petitioner

Mr. Shreeyash U. Lalit,
Mr. Himanshu Vats,
Mr. Reamendu Agarwal,
Ms. Sonia Das.
...for the petitioner.

Ms. Trisha Rakshit.
...for the State.

Mr. Kallol Mandal Sr.Adv.,
Mr. Sabir Ahamed,
Mr. Akash Ganguly.
...for the de facto complainant.

Learned senior counsel appearing on behalf of the petitioner submits as follows. There was a minimum investment to be done by each of the C&F agents in the petitioner's company. The present de facto complainant made such payment of Rs.1.5 crores by 12.05.2022. Thereafter, they sought termination of the agreement on 20.10.2022. By such time, it was not possible for the accused to provide them adequate amount of business. However, at page 167 of the application, there is a document which shows that the local manufacturer had sent the materials to the de facto complainant. In a case over similar allegations, the petitioner was granted anticipatory bail by a Division Bench of this Court on 14.01.2025 in CRM (A) 3789 of 2024.

Learned counsel appearing on behalf of the State has relied on the enquiry report and a second report as also the case diary. He opposes the prayer for anticipatory bail. He submits that the

petitioner's modus operandi was to take sums in lieu of investment while issuing C&F agencies to unsuspecting entities. The de facto complainant is one of such entities who has alleged that he had entered into such agreement, paid the money, but no goods were supplied from which the margin could be earned. The document relied upon on behalf of the petitioner at page 167 of the application did not indicate that the de facto complainant was asked to collect those articles or goods that were sent to the de facto complainant. However, upon enquiry, it is also submitted that although initially, the application of the Black Shot India Private Limited for registration as the supplier with the WBSBCL for the year 2021 was rejected by the WBSBCL, in the year 2022-2023 under the new distributor based and WBSBCL routed supply chain system following excise policy change, the said company participated in AOI process on WB Tenders portal for listing of brands and products and supply of foreign liquor to the WBSBCL though licensed distributor.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. At the time when the agreement was entered into, the particular company by the name of Black Shot India Private India Limited did not have any license to do such business in the State of West Bengal. The de facto complainant has been duped the petitioner of a huge sum of money. There was an intention to cheat existing from the very inception. Incidentally, as would appear from the application for anticipatory bail, a refund has been initiated by the petitioner in favour of the alleged victim.

In view of the nature of allegations, the materials available in the case dairy, subsequent submission made on behalf of the State

that the petitioner had actually participated in AOI process on WB Tenders Portal for listing of brands and products and supply of foreign liquor through the WBSBCL through licensed distributor and the fact that over similar allegations, the petitioners were granted anticipatory bail by a Division Bench of this Court earlier, I do not think that custodial interrogation of the petitioner would be required in this case and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall meet the Investigating Officer as and when required and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **C.R.M. (A) 1152 of 2025** is, thus, allowed.

The presence of the Investigating Officer is noted and is dispensed with.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)