

14.05.2025

Item No.DL34
Court No. 28
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1526 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 filed in connection with Bishnupur Police Station case no.71 of 2025 dated 21.03.2025 under Sections 303(2) and 317(2) of the Bharatiya Nyaya Sanhita, 2023 read with Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957.

-AND-

In Re : **SRI DILIP CHAKRABORTY**

.....Petitioner

For the Petitioner :

Mr. Supriyo Das

.....Advocate

For the State :

Mr. Soumik Ganguly

Ms. Chandreyi Dutta

.....Advocates

Learned counsel appearing on behalf of the petitioner submits as follows. There is no allegation that excess load was being carried by the petitioner. The sand mine was in Bankura and the permit was for carrying it from Bankura to Bolpur. Unfortunately, the petitioner was apprehended about half an hour after the scheduled expiry of the challan in Bankura. Chargesheet has been submitted.

Learned counsel appearing on behalf of the State submits that in effect the petitioner had used an expired

challan and did not go to Bolpur but was apprehended in Bankura with the sand. However, there is no question of carrying any excess load.

Considering the nature of allegations and the fact that the petitioner was not carrying any excess load, I do not think that custodial interrogation of the petitioner is required in this case.

Accordingly, 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 the Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that he shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM (A) 1526 of 2025** is, thus, **allowed**.

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.)