

23/07/2025

D/L 42

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 1833 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with DRI case no. DRI/KZU/AS/ENQ-63/2024/377 dated 3.7.2024 under section 104 of the Customs Act.

In the matter of: Mujeeb KT & Anr.

... Petitioners

Mr. Sabyasachi Banerjee

Ms. Diksha Ghosh

Mr. Abhsekh Mukherjee

...for the petitioners.

Ms. K. Dey

...for the O.P.

1. Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are in no way connected with the alleged offences. The petitioners have air freight licence and do not deal with transportation by land or water. Two containers were allegedly seized while moving towards Nepal, the name of one Tutul Bose transpires. From his statement the name of an employee of the petitioner came up. He was arrested and thereafter granted bail. Pursuant to the direction passed by this Court, the petitioners complied with the notice given by the DRI and appeared before them.
2. Learned counsel appearing on behalf of the DRI opposes the prayer for anticipatory bail and submits as follows. Although the consignment was meant for Nepal, it was found to be diverted to another route. Instead of Marble

Dust Powder as declared, the goods were found to be cigarettes worth Rs.10 Crores. The petitioners' complicity is available from the statement of a co-accused employee of the transporter.

3. Considering the fact that the only incriminating materials as of now, against the petitioners are the statements of the co-accused and the fact that the petitioners have complied with the notice issued by the DRI, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.
4. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioners shall cooperate with the investigation and the petitioners shall not threaten or intimidate witnesses. The petitioners shall meet the I.O as and when required.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)