

11.07.2025
SL.35
Ct.No.28
NB

CRM (A) 2182 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 Panskura P.S. Case No.924/2024 dated 27.11.2024 under Section 7(i)(a)(ii) of the Essential Commodities Act and Sections 303(2)/317(2)/317(4)/317(5)/3(5) of the Bharatiya Nyaya Sanhita (BNS) pending before the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur.

And

In the matter of : Shamsher Alam @ Samser Alam @ Shamser Alam
...petitioner

Mr. Arnab Chatterjee,
Mr. Abhinaba Mukherjee.
...for the petitioner.

Mr. Faria Hossain,
Ms. Eshita Dutta.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The articles recovered from the petitioner's premises do not fall under the Essential Commodities Act. There is no allegation of theft made by anyone. Yet, the instant case was started.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. However, she admits that none of the articles involved fall within the ambit of the Essential Commodities Act.

Considering the materials available in the case diary and the alleged role ascribed to the petitioner, I do not think that custodial interrogation of the petitioner is 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 **CRM (A) 2182 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.)