

26.11.2025
Sl. No.18
NB

CRM (A) 3527 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 Rahara PS Case No.219/2025 dated 04.08.2025 under Sections 25(i)(a)/29/35/25(6)/25(8), 25(1A)/25(1AA)/27 of the Arms Act.

And

In the matter of: Sushila Adhia

... petitioner

Mr. Sourav Chatterjee Sr.Adv.,
Mr. Pawan Kr. Gupta,
Mr. Sougata Mitra,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Mr. Nikhil Kr. Gupta,
Ms. Soma Chakraborty,
Mr. Subhadeep Maitra..
...for the petitioner.

Mr. Debasish Roy Id.PP,
Mr. Saryati Datta.
...for the State.

Learned counsel representing the petitioner submits as follows. The petitioner's father in law used to own a shop that dealt with arms. The petitioner's husband inherited it. In 2010, he died. The petitioner made a prayer for transfer of the business in her name. But, the authority did not consider it. Accordingly, she filed a writ petition. By an order dated 15.06.2018, this Court directed the authorities to consider her prayer. The same was not considered. The shop was kept locked since 2018. The petitioner was issued a notice by the Investigating Officer in connection with the case. A reply was given. In the charge sheet filed, the petitioner was shown as "not arrested".

Learned Public Prosecutor representing the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that several other co-accused were arrested. Some were

granted bail thereafter. So far as the present petitioner is concerned, there are statements of witnesses that mentioned about people coming inside the shoproom and going out with bags even after 2018. A firearm with the Arsenal No.242382 was seized from a third person namely, Madhusudan Mukherjee on 04.08.2025. This arms was sent for forensic test and a report was obtained. This is one of the arms that was kept in the closed shop of the petitioner's husband for safe custody. Yet, this was found somewhere else. There are other incriminating materials available in the case diary so far as the present petitioner is concerned.

At this stage, learned senior counsel representing the petitioner denies the above contentions of the State and submits that the register, if any, was found only in a torn condition.

Considering the incriminating materials available in the case diary including the seizure list and the forensic report, while I am not inclined to grant anticipatory bail to the present petitioner considering the fact that the petitioner had approached this Court for transfer of the business in her name in 2018 and the fact that she is a lady and the widow of the erstwhile owner of the shop, she shall be at liberty to surrender and pray for bail before the jurisdictional Court, which shall then be considered in accordance with law.

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.)