

15.5.2025
SL No.2
Court No.1
(tk)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 244 of 2025

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the matter of : **Maminur Haque Miah,**

...Petitioner.

Mr. S. Guha,
Mr. S. Guha Roy,
Mr. A. Pal,

...For the petitioner.

Aditi Shankar Chakraborty, Id. APP,
Mr. S. Misra,

... For the State.

1. The application for anticipatory bail is pressed on the ground that firstly, the applicant has no antecedents in smuggling and secondly, that one seized motorcycle being TVS Apache as mentioned in the FIR bearing registration no.WB64AE7251 does not belong to the applicant. The applicant's motorcycle, which is also of the same brand, bears registration no.WB64AE2751.
2. The learned APP submits that the appellant and his associate escaped from the place of occurrence after throwing 97 bottles of phensedyl over the border fence and escaped from the scene.
3. On the direction of the co-ordinate Bench, the SI, Sitai P.S., Coochbehar, reported that the applicant has been involved in smuggling in the India-Bangladesh border area. The records of

the Sitai P.S., however, do not feature any FIR registered against the applicant.

4. Having carefully considered the arguments of the learned counsel for the applicant, this Court is of the view that it is quite possible that the police may have recorded incorrect number due to typographical error or otherwise of the motorcycle in question. The brand and colour of the motorcycle of the applicant are the same as the one seized.
5. Given the fact that the investigation is still on and the fact that the Sitai P.S. has reported that the petitioner has a history of smuggling activities as per their informants, this Court is not inclined to entertain the application for anticipatory bail at this stage.
6. However, Sitai P.S. shall verify the exact number of the motorcycle in question and communicate the same to the learned Advocate for the applicant.
7. Any other information that Sitai P.S. has against the applicant may also be kept ready. The investigation is directed to be expedited.
8. With the aforesaid observations, CRM(A) 244 of 2025 stands disposed of.

(Rajasekhar Mantha, J.)