

1706
2025

TUESDAY

COURT : JCB-04
ITEM : 04
MATTER : 483 BNSS
STATUS : GRANTED
BENCH ID : 1508
AR COURT : NANDY

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (R) 33 OF 2025

In Re:- An application for **Bail** under section **483** of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on June 12, 2025 in connection with Kumargram Police Station Case No. 106/2025 dated 19.05.2025 under Sections 303(2)/317(2)/317(5) of Bharatiya Nyaya Sanhita 2023. (G.R. Case No. 873 of 2025)

And

In the matter of: **DAMBER SINGH MISHRA**

.....PETITIONER

MR. ANIRUDDHA BISWAS, ADVOCATE
MR. KANAK MISHRA, ADVOCATE
MR. MANOJ SAHA, ADVOCATE

.....FOR THE PETITIONER

MR. ADITI SHANKAR CHAKRABORTY, LD. APP
MR. KALLOL NAG, ADVOCATE

.....FOR THE STATE

1. The instant application for bail is filed on behalf of the petitioner in connection with Kumargram Police Station Case No. 106 of 2025, dated 19.05.2025, under Sections 303(2), 317(2), and 317(5) of the Bharatiya Nyaya Sanhita, 2023.
2. Mr. Biswas, learned advocate for the petitioner, submits that the petitioner is the owner-cum-driver of a commercial vehicle. The vehicle was hired to carry three two-wheelers. On the way, the SSB personnel intercepted the vehicle, and during investigation, it was found that in respect of one of those three vehicles, there was no proper documentation. The investigation further revealed that the principal accused had purchased the said vehicle from an Indian national, took it to Bhutan, and started using it there. Mr. Biswas submits that the petitioner has no connection with the alleged offence and that even the police did not pray

for his police custody. He further submits that the petitioner has been languishing in judicial custody for 25 days and may be released on bail.

3. Mr. Nag, learned advocate representing the State, produces the Case Diary and opposes the prayer for bail, relying upon the materials available in the Case Diary.
4. Heard the learned Advocates for the respective parties. Perused the case diary and the materials available on record, including those in the Case Diary.
5. Admittedly, the police did not pray for police custody of the petitioner. Considering the materials on record and the extent of the petitioner's complicity in the alleged offence, I am of the view that continued detention of the petitioner will not serve any purpose.
6. Accordingly, the prayer for bail is **allowed**.
7. The petitioner namely, **DAMBER SINGH MISHRA**, may find bail upon furnishing a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Chief Judicial Magistrate, Alipurduar subject to conditions that petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall meet the Officer-in-charge of the concerned police station once in week till the charge-sheet is submitted.
8. The application being **CRM (R) 33 of 2025** is accordingly **disposed of**.

(PARTHA SARATHI CHATTERJEE, J)