

18.11.2025
Item no.9
Court No.3
ss
(Rejected)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 719 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of BNSS, 2023 in connection with Rajganj P.S. Case No.268 of 2025 dated 12.08.2025 under Section 46(C)/52 of the Bengal Excise Act, 1909 corresponding to PTNNOWBJP02P004947/25 pending before the learned Chief Judicial Magistrate, Jalpaiguri.

In the matter of : Sujay Roy

... Petitioner.

Mr. Sudip Guha

...for the Petitioner.

Mr. Abhijit Sarkar

Mr. Kallol Nag

.....for the State.

1. Learned Advocate for the petitioner submits at the outset that FIR has been initiated under Section 46(C)/52 of Bengal Excise Act, however, by amendment, clause (C) of Section 46 has been omitted. The offence under Section 52 is penalty for possession of intoxicant and is magistrate triable. Search and seizure is already complete. He seeks for grant of anticipatory bail in favour of the petitioner.
2. Learned Advocate for the State, opposing such prayer, submits that the huge quantity of illicit liquor has been seized from the house of this petitioner. The statements of

the witnesses also reveal of such fact. He seeks for dismissal of the application.

3. Perused the case diary and the materials on record.
4. The seizure list shows that *bakhar*, jaggery and 25 litres of illicit distilled liquor, tobacco stem have been seized from the house of the petitioner. The statement of witness is supportive of such fact. In light of the above, I am not inclined to grant the prayer of the petitioner for anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.
5. The application being **CRM (A) 719 of 2025** stands dismissed.

(Bivas Pattanayak, J.)