

In the Court of Chief Judicial Magistrate, Darjeeling

**Present : Anindya Ray,
Chief Judicial Magistrate,
Darjeeling**

State

Vs

**1. Shashank Limbu &
2. Adron Mukhia**

C.R. Case No. 09 of 2023

Reg. No. 08 of 2023

Order No.01

Dated 10.05.2023

Received one complaint from Sukbir Subba, Officer-in-Charge of Excise, Sadar Circle, Darjeeling, against the accused Shasanka Limbu and Ardon Mukhia for committing the offences u/ss 46(b), 46A(c) and 52 of the Bengal Excise Act, 1909. The complaint reflects that non-duty paid beer, namely, HIT beer, being a prouce of Sikkim, measuring 397.8 litres by volume, contained in 612 bottles have been seized from the possession of the accused persons alongwith the Santro car which was being used for its transportation.

Register the case as a C.R. case.

The aforesaid accused persons are produced under custody.

Perused the accused Challan, Check-list, medical check-up reports and the seizure list.

The accused persons are remanded to judicial custody till 24.05.2023.

Cognizance is taken.

The accused persons have personnaly applied for bail.

They state in open Court that their Learned lawyer is unable to move the bail application on the ground of the ongoing resolution of the Bar for which they are not attending the Court.

The Learned APP prays for judicial custody.

Heard both the sides.

Perused the case record.

Considered.

This is a case of **non-duty paid liquor and not a case u/s 46AA** of the Bengal Excise Act. The punishment which is attracted is less than seven years. It appears that the entire stock of beer in possession of the accused have been seized and there is no prayer

for further custody of the accused by the Excise Department. Such being the possession, I am of the view that further detention will not serve any fruitful purpose.

Accordingly, the accused persons may find bail on furnishing bond of Rs.1000/- each with one registered surety each and in default to judicial custody.

If on bail, to **23.06.2023** for appearance of the accused and report by the prosecution.

D/C

**Chief Judicial Magistrate
Darjeeling**

**Chief Judicial Magistrate
Darjeeling**