

Criminal Misc. Case – 660 of 2026
C.N.R. No. WBJP01-001852-2026

Order No. 03, dated – 30.06.2026,

The application u/s 482 of B.N.S.S. filed by the accused-petitioner, namely, Sujan Mazumdar, praying for anticipatory bail in connection with Dhupguri P.S. Case No.141/2026 dated 17.05.2026 u/s- 287/303(2)/317(2) of B.N.S., is taken up for hearing.

Ld. Lawyer for the accused-petitioner submitted that no bail petition has ever been filed in connection with this case before any higher Court on any earlier occasion and an affidavit has also been filed on behalf of the accused-petitioner in support of such contention by the Ld. Defence Lawyer and the Ld. P.P, Jalpaiguri conceded to the fact as submitted by the Ld. Defence lawyer.

It is a case of the accused-petitioner that he has been falsely implicated in this case out arising out of misinformation and misunderstanding on the basis of a suo-moto written complaint lodged by SI Naimuddin Shaikh of Dhupguri P.S., Jalpaiguri. It has also been contended that at the time of search and seizure procedural law has not been complied with as per observation made by the Hon'ble Apex Court in landmark judgment **AIR 1997 SC 610 D. K. Basu V. State of West Bengal**. Furthermore, the accused-petitioner has not been given opportunity to co-operate with the investigation at the earlier stage of investigation. In view of that, considering the present facts and circumstances of the case, the accused-petitioner may be granted with anticipatory bail subject to any condition with a promise to cooperate with the investigation.

Ld. Public Prosecutor, Jalpaiguri, appearing for the State has submitted for passing necessary order.

Heard both the sides.

Perused the T.C.R and the case diary. Considered.

Upon perusal of the T.C.R. and the C.D. as submitted by the Ld. Public Prosecutor, Jalpaiguri, and also after going through the record including the written complaint, F.I.R and other incriminating materials lying in the C.D. and the document as submitted on behalf of the accused-petitioner and considering the submissions of the Ld. Advocate for the accused-petitioner and the Ld. Public Prosecutor, Jalpaiguri appearing on behalf of the State, it appears to this Court that there was allegation of seizure of 120 liters of diesel like substance, which was seized from the hotel and godown of the accused-petitioner. However, from the seizure list it has clearly been transpired that in presence of no independent witness, the search and seizure has been done. Furthermore, the I.O. has not taken initiative in interrogation of the accused-petitioner since initiation of the case. In view of that, considering the present facts and circumstances of this case and the stages of investigation, this Court does not find any justification for custodial interrogation of this accused-petitioner. Accordingly, this Court is inclined to allow the prayer for anticipatory bail subject to certain conditions.

Hence, it is -

ORDERED

that the instant anticipatory bail application filed by the above-named accused-petitioner stands allowed.

Accordingly, this Court directs that in the event of arrest, the accused-petitioner, namely, Sujan Mazumdar, shall be released on bail upon furnishing a bond of Rs.10,000/- with two (2) sureties of Rs.5000/- each, subject to the satisfaction of the arresting officer, subject to the compliance of the condition as laid down in sub-section (2) of Section 482 of B.N.S.S. and on further condition that the accused-petitioner shall meet the I.O. once a week to cooperate with the investigation till the completion of investigation and submission of charge-sheet i.d. necessary order will be passed.

Send a copy of this order along with T.C.R. to the learned Chief Judicial Magistrate, Jalpaiguri, for information and taking necessary action.

Return C.D.

Thus, the Criminal Misc. case is disposed of.

Dictated & corrected by me :-

Sessions Judge, Jalpaiguri
(WB01135)

Sessions Judge, Jalpaiguri
(WB01135)