HON'BLE MR. JUSTICE N. CHAUDHURY

Heard Mr. M. U. Mondal, learned counsel for the petitioners and Mr. T. K. Misra, learned Additional Public Prosecutor, Assam.

This application under Section 438 of the Code of Criminal Procedure has been filed praying for anticipatory bail on behalf of accused/petitioners Rajes h Khemka and Bijoy Saha, in connection with Bilasipara Police Station Case No.64 4/2016 registered under Sections 120(B)/409/420 of the Indian Penal Code.

It appears that this Court while calling for Case Diary granted ad inter im pre-arrest bail to the present petitioners. Thereafter, they appeared before the Investigating Officer who recorded their statements.

As per the F.I.R. allegation is that the present petitioners unauthorise dly dealt in gas cylinders without there being valid consumers. By filing a join t authorization letter of as many as 70 persons vide Annexure-3 to this applicat ion furnishing their names and consumer numbers the petitioners asserted that they were entrusted by the genuine consumers to collect LPG cylinders from the distributor and then to deliver to them. Strangely enough, the Investigating Office r has not examined any of these consumers. Having thoroughly perused the Case Diary, Mr. T. K. Misra, learned Additional Public Prosecutor, submits that the statements of the accused persons have only been recorded and the persons named in Annexure-3 to this application have not been examined by the Investigating Officer till date.

In view of the submission made by Mr. T. K. Misra, learned Additional Pu blic Prosecutor, I am not convinced that any investigation, whatsoever, has been done so far by the police in regard to the allegations leveled. Since no material has been produced till date and virtually no investigation has been held, this application is allowed by making the earlier interim order, passed on 13.07.20 16, is hereby made absolute.

A copy of this order be furnished to the Superintendent of Police, Dhubr i, for information and necessary action.

This bail application stands disposed of.