

CRM 3947 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bongaon Police Station Case No.352 of 2020 dated 25-06-2020 under Sections 21(c)/29 of the Narcotic Drugs And Psychotropic Substances Act.

- A n d -

In the matter of : Yasin Mondal @ Yeachin Mandal

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Santanu Maji

... For the Petitioner.

Mr. Saryati Datta

... For the State.

The petitioner seeks anticipatory bail for offence under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned advocate for the petitioner submits that there are no specific allegations against the petitioner and after completion of investigation, Charge Sheet has been submitted in this case and as such, his prayer for anticipatory bail may be allowed.

Learned advocate for the State opposes such prayer and submits that proclamation has been issued against this accused which obviously disentitles him from claiming anticipatory bail.

We have heard learned advocates for both the sides and considered the material placed before us as well as the Case Diary.

It appears from the order of the trial Court dated 17th March, 2021, annexed to the present application, that already

warrant of proclamation has been issued against this petitioner. Learned advocate for the petitioner submits that within thirty days of issuance of Warrant of Arrest, the proclamation has been issued by the trial Court illegally and that too, without execution report being filed.

It is found from the order dated 17th March, 2021 that proclamation has been issued against this accused and there does not appear to be any violation of the provisions of Section 82 of the Code of Criminal Procedure. Hon'ble Supreme Court in its decision in the case of Lavesb Vs. State (NCT of Delhi) reported in (2012) 8 Supreme Court Cases 730, has observed "*Normally, when the accused is "absconding" and declared as a "proclaimed offender", there is no question of granting anticipatory bail*".

Considering the material indicated above and keeping in mind the observations of the Hon'ble Supreme Court, we are not inclined to entertain the application of the petitioner for anticipatory bail under Section 438 of the Code of Criminal Procedure.

CRM 3947 of 2021 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**