

16.03.2022

Court No.32
rpan / 05

C.R.M. (A) 18 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bongaon Police Station Case No. 352 of 2020 dated 25.06.2020 under Sections 21(c)/29 Narcotic Drugs and Psychotropic Substances Act, 1985 (**as amended**);

And

In re: **Yasin Mondal @ Yeachin Mandal**

- Petitioner

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chattopadhyay,
Mr. Santanu Maji,
Mr. Pronay Basu,
Mr. Soumen Bandopadhyay
... for the Petitioner.

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu
... for the State.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner's earlier prayer for anticipatory bail was rejected on 8th November, 2021 since on 17th March, 2021 an order of proclamation was issued against the petitioner by the learned Court below. Challenging the said order dated 17th March, 2021, the petitioner preferred a revision application in which an order was passed on 22nd March, 2022 staying the operation of the proclamation order till 22nd January, 2022. In view of such change in circumstances, the present application is maintainable and the petitioner may be granted anticipatory bail.

Mr. Basu, learned advocate appearing for the State submits that there had been no change in circumstances subsequent to rejection of the petitioner's earlier prayer for anticipatory bail.

Answering our query, Mr. Chattopadhyay submits that the petitioner filed a miscellaneous application in connection with the revision application with a prayer to extend the period of the stay order with regard to the proclamation and attachment. However, the said application was dismissed on 14th March, 2022. Let a copy of the said order, as produced, be kept on record.

We have perused orders passed in the revision application on 22nd December, 2021 and 14th March, 2022. It appears that the petitioner failed to comply with the directions contained in the order dated 22nd December, 2021. In view thereof, we are of the opinion that there had been no substantial change in the circumstances subsequent to dismissal of the petitioner's earlier prayer for anticipatory bail on 22nd December, 2021. As such, the petitioner's prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM (A) 18 of 2022 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)