

CRM (A) 2333 of 2023

In re: An application for bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia Police Station** Case No. **159 of 2019** dated **09.09.2019** under Sections **188/353/34** of the Indian Penal Code and read with Section 21(c) of the NDPS Act.

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In the matter of : Narottam Biswas & Anr.

.... Petitioners.

Mr. Debarshi Brahma,

... For the Petitioners.

Mr. Sanjoy Bardhan,
Mr. B. Chatterjee,

... For the State.

1. Heard Learned Counsel for the parties.
2. Eight co-accused persons are stated to have been acquitted of charge in NDPS Case No. 83 of 2019 by learned Special Court, NDPS Act, Nadia at Krishnagar. The present petitioners are now praying for anticipatory bail to which learned Counsel for the State objects on the ground that proclamation have already been issued and executed against the petitioners.
3. In view of such fact and earlier rejection of the prayer for anticipatory bail of the petitioners by a coordinate Bench, we are not inclined to exercise our discretion under Section 438 of the Cr. P. C. in favour of the petitioners.

4. However, the petitioners are directed to surrender before the aforesaid court within 15 days from today. Advance notice of date of surrender be given to learned Special Public Prosecutor by the petitioners. If any application for bail is filed by the petitioners before the learned Special Court on the date of their surrender, the same shall be taken up after giving notice to Special Public Prosecutor and the same shall be disposed of on the same day in accordance with law.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being CRM (A) 2333 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)