

13.07.2023
ML. 21
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2412 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Murutia** Police Station Case No. **77 of 2010** dated **18.05.2010** under Section **27(b)(ii)** of the Drugs and Cosmetics Act.

And

In the matter of: **Kibriya Mondal & Anr.**

....petitioners.

Mr. Manas Kumar Das
Mr. Asraf Mandal
Mr. Aritra Kumar Thokdar

...for the petitioners.

Mr. Ranadeb Sengupta

...for the State.

1. Heard learned Counsel for both the parties.
2. Though this is a case where the Court should interfere under Section 438 Cr.P.C. for the shake of liberty, we refrain ourselves from doing so, in view of the fact that, the petitioners have remained at large since 13 years after the registration of the case. It is further submitted by learned Counsel for the State that in the meantime proclamation having been executed, the petitioners should not be bestowed with the benefit of anticipatory bail.
3. Regard being had to such facts and submissions, we reject the prayer for anticipatory bail.
4. However, the petitioners, if so advised, may surrender before the learned ACJM, Tehatta in the District of Nadia within 15 days from today in G.R. case arising out of aforesaid P.S. case. In the event of their surrender and motion for bail, the bail application so moved may be disposed of on the same day on merit in accordance with law without being influenced by the factum of long absconding. The petitioners are further directed to give advance notice to the concerned Public

Prosecutor attached to the said Court about the date of their surrender and motion for bail so that C.D. can be made available to the Court on the date of their surrender.

5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2412 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

