

18.07.2023
Serial no. 4
[G.S.D]

CRR 2576 of 2023

In the matter of : Dipankar Sarkar

... .. Petitioner

Mr. Tapan Datta Gupta
Mr. Parvej Anam
Mr. Arindam Kanjilal

... .. For the Petitioner

The petitioner is directed to serve a copy of this revisional application on Ms. Debjani Sahu, Learned Advocate, who ordinarily appears on behalf of the State. Her appointment may be regularised by the concerned authorities.

Mr. Datta Gupta, Learned Advocate appearing for the petitioner, submits that the petitioner was granted bail on 29.9.2022 pursuant to the order passed in CRM (NDPS) 1141 of 2022.

However, due to his absence on 24th January, 2023, warrant of arrest was issued against him and subsequently proclamation and attachment has been issued.

Now, Mr. Datta Gupta has also referred to the order dated 15.5.2023 passed by the Learned Special Court, ADJ 4th Court, Malda. The said order categorically reflects as follows:

"Record further reveals that pursuant to the order of the Hon'ble High Court W/P/A against such accused (accused Dipankar Sarkar) has already been recalled vide Order No. 44 dated 29.04.2023 by the In-charge Court.

In view of the above noted facts and circumstances, the prayer for issuance of attachment against accused Dipankar Sarkar being infructuous at this stage is rejected."

As the order reflects W/P/A against the accused Dipankar Sarkar has already been recalled vide Order no. 44 dated 29.4.2023 by the In-charge Court, the word 'appearance' subsequently recorded by the Learned Court in the order dated 15.5.2023 would naturally apply to the present petitioner namely Dipankar Sarkar.

Learned Advocate for the petitioner is apprehensive regarding the fact whether warrant of arrest is still alive and is anxious regarding the bail which was passed by a Hon'ble Division Bench of this Court in CRM(NDPS) 1141 of 2023.

Having regard to the fact that the word 'appearance' has been used, the petitioner is directed to be specifically present before the Court by 4th August, 2023. In case, he appears and there is any anomaly regarding the understanding or interpretation of any of the other order passed, I direct that the petitioner would be allowed to continue with the same bail bond. The petitioner, henceforth, should be physically present and would not show any apprehension in the mind of the Court which would

reflect that he is trying to misuse the order of bail granted to him.

With the above observations, CRR 2576 of 2023 is disposed of. Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order, duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)