

21.09.2023
(M/L 229 & 231)
Ct. No.29
(Dismissed)
(SKB)

CRM (A) 3837 of 2023
With
CRM (A) 3839 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baishnabnagar P.S. Case No.18 of 2023 dated 08.01.2023 under Sections 21(C)/25/29 of the NDPS Act (corresponding to NDPS Case No.08 of 2023).

In the matter of : Mohosin Sk.

@ Mahasin Sk and another
... Petitioners in CRM(A) 3837 of
2023

And

In the matter of : Bablu Sekh

... petitioner in CRM(A) 3839 of 2023

Mr. Arup Kumar Bhowmick

... for the petitioners in both cases

Mr. Sanjoy Bardhan,

Ms. Debjani Dasgupta

... for the State in CRM(A) 3837 of 2023

Mr. Sanjoy Bardhan,

Ms. Baishakhi Chatterjee

... for the State in CRM(A) 3839 of 2023

1. Both the applications are taken together for disposal by the consent of the parties on the ground that both the petitions arise out of the same P.S. case.
2. Heard learned counsel for the parties.
3. Both the anticipatory bail applications are moved by learned counsel for the petitioners on the ground of parity as one Rubel Sk @ Rubel Sekh was enlarged on anticipatory bail on 31.08.2023 in CRM (A) 3533 of 2023.

4. Learned counsel for the State now submits that on the previous occasion he had no instruction to the effect that proclamation had already been issued under Section 82 Cr.P.C. and published before the date of filing of the present applications for anticipatory bail. But today, instruction is submitted by learned counsel for the State as forwarded to him by the IO vide his letter dated 21.08.2023 as proclamation has been issued against the petitioners in both the anticipatory bail applications.
5. Accordingly, both the anticipatory bail applications are not maintainable in view of the judicial dictums.
6. The applications being CRM (A) 3837 of 2023 and CRM(A) 3839 of 2023 for anticipatory bail are dismissed.
7. The letter of the IO dated 21.08.2023 under the heading “Memo of Evidence” supplied to us by the learned counsel for the State be taken on record.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)