

**21.09.2023**  
**Serial no. 9**  
[G.S.D]

## **CRR 4301 of 2022**

**In the matter of : Santana Malik**

... .. Petitioner

*Mr. Manjit Singh*

Mr. Biswajit Mal  
Mr. Abhishek Bagal

... for the petitioner

Mr. Dhiraj Trivedi  
Ms. Rajashree Venket Kundalia  
Ms. Ekta Sinha

... For the Customs Authorities

Earlier on 12.9.2023 pursuant to the directions passed by this Court, Mr. Dhiraj Trivedi, Id. DSG, appeared on behalf of the Customs Authorities. His appearance may be regularised by the concerned authority from the earlier order so concerned. Ms. Kundalia, Id. advocate, appears on behalf of the Customs Authorities to assist Mr. Trivedi.

Mr. Singh, Id. advocate for the petitioner, submits that he is aggrieved by the fact of issuance of proclamation passed by the Id. Special Court under NDPS Act cum ADJ, 5<sup>th</sup> Court, Berhampore, Murshidabad in connection with Customs Case No. 08/NDPS/CL/Ganja/BCPU/CCP/WB/2021-22 dated 18.9.2021.

I have perused the order dated 19.5.2022 passed by the Id. Special Court, wherein, it has been categorically

recorded that the execution of warrant of arrest against the accused/petitioner and others were not received but, the Court issued process under Section 82 of the Cr.P.C. against the petitioner and others. On 20.6.2022 the court again recorded that proclamation under Section 82 of Cr.p.c. was not received and issued process under Section 83 of the cr.p.c. for attachment of the property.

In view of the orders passed by the Id. Special Court on 19.5.2022 and 20.6.2022 as well as the submissions made on behalf of the Customs Authority that the present petitioner was not traceable in spite of best of their efforts and did not cooperate with the investigation, I am of the opinion that the warrant of arrest which has been issued will remain in force and the Customs Authority would be at liberty to execute the same in accordance with law.

So far as the proclamation and attachment is concerned (Section 82 and 83 of the Cr.P.C.), the orders so passed do call for any interference.

Having regard to the period, the petitioner has been evading the process of law, I am of the opinion that the same be kept in abeyance till 21<sup>st</sup> of November, 2023.

However, the petitioner would be at liberty to exhaust her remedies before the appropriate forum. In case, the petitioner is not available before the Id. Special Court on or before 22<sup>nd</sup> of November, 2023, the Id. Special Court

would issue process under Section 82 of the cr.p.c by adhering to the provisions of the statute and fix a date at least for appearance as provided under the law.

The Id. Trial Court will thereafter proceed as it deems fit and proper in accordance with law.

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

**(Tirthankar Ghosh, J.)**