

25.04.2024
SL No.22
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 305 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Pundibari Police Station Case No.700 of 2022, dated 01.12.2022 under Sections 21(c)/25 of the NDPS Act.

And

In the matter of : **Vijay Kumar Gami @ Bijoy Kumar Gami @
Bijoy Kumar Gani**

- Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Roy

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Biswarup Roy

... For the State.

1. The learned Counsel for the petitioner submits that he has been falsely implicated and the warrant of proclamation and attachment has been issued in the meantime which may be considered to be a change in circumstances after his earlier application for anticipatory bail was rejected by a Coordinate Bench on 22nd August, 2023. On an earlier occasion on 22nd August, 2023, the Coordinate Bench was of a prima facie view that the transfer of the vehicle in favour of another person is extremely doubtful inasmuch as the petitioner did not take the plea of such transfer

after a notice was issued by the SI of the Cooch Behar Police Station under Section 91 of the Cr.P.C. on 10th May, 2023. In any event the Coordinate Bench was of considered opinion that the alleged change in ownership of the vehicle concerned would be a matter of trial as and when the issue becomes relevant. Subsequently, on 4th October, 2023, the second application filed was dismissed as not pressed. The issuance of the warrant of proclamation and attachment is a further damaging factor for the petitioner while considering the prayer for anticipatory bail.

2. Since there is no change in circumstances during this period and the situation may be worsened by reason of the order of attachment and proclamation, we are not inclined to grant anticipatory bail to the petitioner.
3. Accordingly, the prayer for anticipatory bail is rejected.
4. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)