



\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1136/2022**
PRAMOD KUMAR TANDI

..... Petitioner

Through: Ms.Pooja Roy, Mr.Aditya
Aggarwal, Mr.Naveen Panwar
& Mr.Mohd. Yasir, Advs.

versus

STATE GOVT. OF NCT OF DLEHI Respondent

Through: Mr.Aman Usman, APP.
SI Pramod Kumar, PS
Sagarpur.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

22.01.2024

%

1. This petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (in short 'Cr.P.C) seeking anticipatory bail in FIR No.285/2021 registered under Sections 20/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station : Sagar Pur.
2. The learned counsel for the applicant submits that the applicant has not been contacting her and she has no instructions.
3. On the other hand, the learned APP points out that the applicant has already been declared a Proclaimed Offender under Section 82 of the Cr.P.C.
4. In *Prem Shankar Prarsad v. State of Bihar and Another*, 2021 SCC OnLine SC 955, the Supreme Court considered the scope of granting Anticipatory Bail to an absconder / Proclaimed Offender, and



held as under:

16. Recently, in Laves v. State (NCT of Delhi), this Court (of which both of us were parties) considered the scope of granting relief under Section 438 vis-à-vis a person who was declared as an absconder or proclaimed offender in terms of Section 82 of the Code. In para 12, this Court held as under : (SCC p. 733)

‘12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and was declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail.’ It is clear from the above decision that if anyone is declared as an absconder/proclaimed offender in terms of Section 82 of the Code, he is not entitled to the relief of anticipatory bail.”

5. In view of the above, the present petition will no longer be maintainable and is accordingly dismissed.

NAVIN CHAWLA, J

JANUARY 22, 2024/rv/am

[Click here to check corrigendum, if any](#)