

07.04.2025
Sl. No.07
Ct. 28
Reject
NB

C.R.M. (A) 1113 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Balurghat P.S. Case No.782 of 2024 dated 20.09.2024 under Sections 21(c)/22(c)/23(c)/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act (Corresponding NDPS Case No.45/2024) pending before the learned Special Judge (under NDPS Act)-cum-ADJ, 3rd Court, Balurghat, Dakshin Dinajpur at Buniadpur, Dakshin Dinajpur.

In the matter of : Kartik Mandal

... Petitioner.

Mr. Kaushik Choudhury.
...for the petitioner.

Ms. Rituparna De Ghose,
Ms. Suchismita Dutta.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. This is an application for renewal of an application for anticipatory bail. On 23.12.2024, a Division Bench of this Court rejected the petitioner's prayer in CRM(A) 4595 of 2024. However, at that time, investigation was going on. At present, charge sheet has been submitted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the case diary and submits as follows. After going through the materials on record on 23.12.2024, a Division Bench of this Court rejected the petitioner's anticipatory bail. Thereafter, charge sheet was submitted and

several efforts were made to apprehend the accused. But, he absconded. A warrant of arrest is pending.

It appears from the order dated 23.12.2024 that application for anticipatory bail of the petitioner was rejected after recording that complicity of the petitioner had transpired during investigation. This order was not challenged by the petitioner.

Moreover, submission of a charge sheet is not a change in circumstance, but a natural consequence of initiation of a criminal proceeding.

Perused the materials in the case diary.

In view of the earlier rejection of the application for anticipatory bail of the petitioner, the materials present in the case diary and considering the statutory restrictions contained in Section 37 of the NDPS Act, I am not inclined to grant anticipatory bail of the petitioner.

The application for anticipatory bail being **CRM(A) 1113 of 2025** is, thus, rejected.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

