

03.07.2025

Item No.48

Ct.No.28

Bpg/dc.

Rejected

C.R.M. (A) 1917 of 2025

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Lalgola Police Station Case No. 1097 of 2024 dated 07.11.2024 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Nangra Rahul @ Habibur Rahaman**
... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose
... For the Petitioner.

Mr. Subhamay Bhattacharya,
Ms. Debjani Sahoo
... For the State.

Learned advocate appearing for the petitioner files a copy of the order dated 11.04.2025 passed by the Special Court in NDPS Case No. 114/2024, which is taken on record.

It appears that the learned Special Court on that date had issued warrant, proclamation and attachment against the present petitioner after a report was filed about non-execution of warrant of arrest.

Heard the learned counsels for the parties.

Perused the case diary.

It is trite law that proclamation and attachment cannot be issued simultaneously on the first day on which a report is filed regarding non-execution of warrant of arrest.

However, in such event, the issuance of order of attachment would be bad, but the proclamation would remain.

Although such proclamation was issued against the present petitioner as also another co-accused, the same was not placed before this Court when the prayer for anticipatory bail of the said co-accused was being considered, which had prompted this Court to grant anticipatory bail to the other co-accused on 21.05.2025 in CRM (A) 1607 of 2025.

In view of the fact that a proclamation has already been issued against the present petitioner and considering the restriction contained in Section 37 of the NDPS Act, I am not inclined to grant anticipatory bail to the present petitioner.

Accordingly, the prayer for anticipatory bail is rejected.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)