

04.08.2025

Sl. no. 33

Ct. No. 25

P.M.

C.R.M. (A) 2048 OF 2025

In re : An application for anticipatory bail under Section 482 of the of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliachak Police Station Case No. 1476 of 2024 dated 17.09.2024 under Sections 21(C)/25/27A/29 of the Narcotic Drugs and Psychotropic Substances Act.

In the matter of : **Jarip Bishwas @ Jarif Biswas**

... petitioner

Mr. Amitabha Karmakar,

Mr. Arup Kumar Bhowmick

.....for the Petitioner.

Mr. Madhusudan Sur, Ld. APP,

Mr. R. Jana

.....for the State.

1. Learned counsel for the State has filed the report of Inspector-in-Charge, Kaliachak P.S.. District Malda to the effect that petitioner was declared proclaimed offender on 26th June, 2025 and the process of attachment of property of the petitioner was finalized on 21st July, 2025.
2. Learned counsel for the petitioner has produced the copy of the e-Court record to show that the present application was filed on 16th June, 2025 and the state has overreached by continuing with the process of proclaimed offender despite filing of application.

3. Learned counsel for the petitioner has also submitted that similarly placed accused Muktarul @ Muktarul Ali was admitted to bail by the Co-ordinate Bench of this Court vide order dated 23rd May, 2025 in CRM (A)1745 of 2025 learned counsel placed reliance upon the Division Bench judgement of this court in **Akshay Jain vs State** 2014 SCC OnLine Cal 20786 whereby this Court recorded displeasure on the fact that Investigating Agency overreached itself in obtaining proclamation and attachment against the petitioner at a time when this Court was in seisin of the application for anticipatory bail.
4. Learned counsel for the State has fairly submitted that this present accused is similarly placed with Muktarul @ Muktarul Ali.
5. The perusal of the report filed by the State indicates that though the process was issued prior to the filing of the present bail application, but the same was returnable on a day which fell after the filing of the present bail application.

6. It is a settled proposition that though the filing of the anticipatory bail application do not bar the arrest of the petitioner, but at the same time as was being observed in Akshay Jain (supra) that if the petitioner has approached the Court for seeking anticipatory bail and the matter is pending for consideration, it could not have been said by any stretch of imagination that such accused was absconding and abusing the process of law. Reliance may also be placed on **Qamardin Vs Emperor** AIR 1922 Lahore 475.
7. Thus taking into account and the facts and circumstances of this case the petitioner in the event of arrest be released on bail by furnishing personal bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom shall be local, to the satisfaction of the Investigating Officer, subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate

witnesses and to attend the jurisdictional Court on dates fixed.

8. The application for anticipatory bail being CRM (A) 2048 of 2025 is, thus, allowed.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Dinesh Kumar Sharma, J.)