

AD 23
September 2, 2025
Ct. 28
SG

CRM(A) 2666 of 2025

Dismissed

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Patiram P.S. Case No.187 of 2024 dated 05.07.2024 under Section 20(b)(ii)(B) of the NDPS Act.

And

In the matter of:

Palash Chowhan @ Polash Chouhan
... *petitioner*

Mr. Kaushik Choudhury
... for the petitioner

Ms. Rituparna De Ghose
Ms. Debolina Das
... for the State

Learned counsel for the petitioner submits that this is a second application for anticipatory bail. At the first time when it was rejected, no charge-sheet had been submitted. Now, a charge-sheet has been submitted, not for the commercial quantity of contraband, but in respect of alleged intermediate quantity of contraband. Unlike what was presented before the Court on the last occasion, there was no criminal antecedent of the present petitioner.

Learned counsel for the State files a further report, which is taken on record and submits that possibly due to an oversight, an erroneous report was filed earlier by the investigating officer of the case that there was no criminal antecedent of the petitioner. Now, it is being corrected. It appears that there is one criminal antecedent against the petitioner involving offences under the NDPS Act. It

appears from the original case diary that such criminal antecedent was mentioned there at page 119.

It appears from the earlier order of rejection dated 07.10.2024 in CRM(A) 3550 of 2024 that the provision in the FIR was under Section 20(b)(ii)(B) of the NDPS Act. The provision in the charge-sheet has also remained same.

Therefore, there is no substantial change in circumstances so as to file a second application for anticipatory bail. Yet, the same has been filed.

Accordingly, the second application for anticipatory bail without any substantial change in circumstances is dismissed as being not maintainable.

Filing a wrong report which falsely stated that there was no criminal antecedent is a serious act.

Let this fact be brought to the superiors of the present investigating officer, who shall be at liberty to take appropriate action in this regard.

A copy of this order shall be sent to the DGP, WB.

Personal appearance of the investigating officer is noted and dispensed with.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)

