

31.10.2025.
p.b.
S.L. No.53.
Ct. No.28.

CRM (A) 3234 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the matter of:- **Niaz Ahmed.**

Mr. Tarique Quasimuddin,
Ms. Sanchita Chaudhuri,
Mr. Adnan Lodi.
.....for the petitioner.

Ms. Rajashree Venkat Kundalia,
Mr. Tapan Bhanja.
.....for the O.P.

Learned advocate appearing on behalf of the petitioner submits as follows. The petitioner had filed the present application for anticipatory bail in respect of a criminal proceeding initiated by the DGGI which has now led to the filing of a complaint case under Section 132 of the CGST Act. The petitioner filed an application for anticipatory bail before the vacation Bench. The same came up for hearing before the vacation Bench on 9th October, 2025. An adjournment was sought on behalf of the respondent. However, there was no formal order recorded. On the next date i.e., on 14th October, 2025, the matter was called on for hearing. But, this

time no one appeared on behalf of the respondents. The petitioner prayed for adjournment. The matter was, accordingly, placed before the regular Bench. During pendency of the matter, the CGST authority issued summons to appear on 21st October, 2025. The petitioner appeared before the authority, but was taken into custody, thus, rendering the anticipatory bail application infructuous. This is a contemptuous act done by the respondent and they need to be hauled up for the same.

Learned advocate appearing on behalf of the respondent denies the allegations and submits as follows. On 9th October, 2025, the matter appeared before the Vacation Bench, but was not called on. Therefore, the respondent authority had no occasion to pray for adjournment. On 14th October, 2025, on whatsapp, it was stated that a prayer would be made to have the matter released so that they may appear before the regular Bench. Although the learned advocate for the respondent appeared virtually, her name was not recorded. It was on the prayer of the learned advocate for the petitioner that the matter was adjourned and sent to the Regular Bench.

It is indeed a very sad state of affairs that two learned advocates would come up before this Court

giving two distinct versions of the same proceedings before the Vacation Bench.

Whether the respondent authority took advantage of their own wrong by not appearing and later arresting or not, it is indeed an exceptional case where during pendency of an application for anticipatory bail and after adjournment of the same with the records showing non-appearance of the respondent, the respondents would decide to arrest the petitioner pursuant to his appearance upon issuance of summons.

Only one thing is certain that the anticipatory bail has become infructuous. Accordingly, the application being CRM (A) 3234 of 2025 is disposed of without any further order.

However, the petitioner shall be at liberty to pray before the learned jurisdictional Court on the next date of hearing i.e., on 6th November, 2025, which shall be considered in accordance with law.

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

(Jay Sengupta, J.)