

18.08.2025
SL. 09
Court No. 3
SR

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

C.R.R. 382 of 2025

In re: An application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In re: Jitender Singh

....petitioner.

Mr. Rajesh Kumar Sharma

...for the petitioner.

Mr. Nilay Chakraborty, Ld. APP

Mr. Saikat Chatterjee

... for the State.

1. The legality, propriety and correctness of the order dated 20th May, 2025 as passed by the learned Additional Sessions Judge, 1st Court, (NDPS) Cooch Behar in NDPS Case No.81 of 2024 is the subject matter of the instant revisional application.
2. By the impugned order, the learned Trial Court issued a bailable warrant of Rs.1,000/- against the present revisionist.
3. At the time of hearing, Mr. Sharma, learned advocate appearing on behalf of the revisionist/accused at the very outset draws attention of this Court to the certified copy of the impugned order as passed by the learned Trial Court. Attention of this Court is also drawn to the pages 21, 22 and 23 of the instant revisional application.
4. It is submitted on behalf of the revisionist that on conjoint perusal of the said petition and its annexures, it would reveal that the present revisionist is a resident of North West Delhi

and the notice as has been issued by the learned Trial Court was served upon a family member of the petitioner only on 22nd April, 2025.

5. At this juncture, learned advocate appearing on behalf of the revisionist draws attention of this Court to Section 69 of BNSS. It is submitted that Section 69 of BNSS mandates as to how service of summons is to be effected outside the local limits i.e. by a Magistrate within whose local jurisdiction, the person summoned resides.
6. It is submitted that the said notice was not served through the learned Jurisdictional Magistrate but through the Deputy Commissioner of Police which is contrary to the provision of Section 69 of BNSS. It is, thus, submitted that the learned Trial Court while passing the impugned order has failed to visualize that true spirit of Section 69 of BNSS as well as the practical difficulty of the present revisionist in appearing before the learned Trial Court on the day when the impugned order was passed. It is, thus, submitted that it is a fit case for setting aside the impugned order.
7. Such contention is, however, vehemently opposed by Mr. Chakraborty, learned advocate appearing on behalf of the respondent/State.
8. Drawing attention to the page nos.15 and 16 of the instant revisional application being a copy of the order dated 1st July, 2025 as passed in CRM(A) 388 of 2025 by a Coordinate Bench of this Court, it is submitted by Mr. Chakraborty that in

connection with NDPS Case No.81 of 2024, the present revisionist has approached before this Court for obtaining a favourable order of anticipatory bail. However, such prayer was turned down by a Coordinate Bench.

9. It is, thus, submitted by Mr. Chakraborty that in view of the rejection of the prayer for anticipatory bail, the present revisionist has got no other alternative but to surrender before the learned Trial Court.
10. It is, thus, submitted by Mr. Chakraborty instead of doing the same, the present revisionist has challenged the impugned order with the sole purpose to delay the proceeding.
11. On careful perusal of the materials as placed before this Court and after hearing the learned advocates for the contending parties, it reveals to this Court that by an order dated 1st July, 2025 as passed in CRM(A) 388 of 2025 the present revisionist's application under Section 482 of BNSS has been rejected.
12. Such being the position as rightly pointed by Mr. Chakraborty that the present revisionist has got no other alternative but to surrender before the learned Trial Court unless such an order for rejection of anticipatory bail is assailed and stayed by the Hon'ble Supreme Court.
13. This Court, thus, finds sufficient justification in the submissions of Mr. Chakraborty inasmuch as when the application for anticipatory bail of the present revisionist was rejected, the present revisionist had no other alternative but to surrender before the learned Trial Court in absence of any stay

from the Hon'ble Supreme Court.

14. In view of such, while disposing the instant revisional application, this Court directs the present revisionist to appear before the learned Trial Court within fifteen working days from today failing which the learned Trial Court shall issue non-bailable warrant of arrest against the present revisionist for his apprehension in connection with NDPS Case No.81 of 2024.
15. With the aforementioned observations, CRR 382 of 2025 is disposed of.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)