

10/03/2026
D/L - 17
Court No.28
S. Kundu
Rejected

C.R.M.(A) 474 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Bagdah P.S case no. 591 dated 9/7/2025 N case 257 of 2025 under sections 21(c)/29 of the NDPS Act.

In the matter of: Ganesh Halder

...Petitioner.

Mr. Amajit De
Ms. Poulami Bose
Mr. Gouranga Dey

...for the petitioner.

Mr. Partha Pratim Das
Mr. Soumadip Saha

...for the State.

1. Learned counsel appearing for the petitioner submits as follows. This is a second application for anticipatory bail. A charge sheet has now been submitted against the petitioner. There is no mention of any earlier charge sheet or conviction in the formal portion of the charge sheet.
2. Learned counsel appearing for the State files a report, which is taken on record. He relies on the report, the case diary and opposes the prayer for anticipatory bail. He submits that there is no material change in circumstance to warrant entertaining a second application for anticipatory bail. The first application was decided on merits. Charge sheet has been submitted on the same sections that were contained in the FIR.

3. Submission of charge sheet in a criminal case is only a natural consequence of the initiation of a criminal proceeding and is not a material change in circumstance unless the same is filed under lesser charges. Here charge sheet has been submitted against the petitioner and other accused under the same provisions as were contained in the FIR.
4. Therefore, there is no material change in circumstance so as to entertain a second application for anticipatory bail.
5. In view of the above, I do not consider this to be a fit case to entertain a second application for anticipatory bail without there being any material or substantial change in circumstance.
6. Accordingly, the second application for anticipatory bail is rejected as not maintainable.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)