

01. 22.04.2026.
Court No.237.
(Pritam)

CRR 648 of 2026.

Ankit Singh.
-Vs.-
State of West Bengal.

Mr.Ayan Basu,
Mr. Sk. Salim,
Mr. Sumit Routh.

...for the petitioner.

Mr. Debasish Roy, Ld. PP.,
Mr. SaryatiDutta,
Mr. Akash Ganguly.

.....fort the State.

The petitioner challenges an order dated November 20, 2025, passed by the learned Special Court under the NDPS Act-cum-Additional Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman, in connection with NDPS Case No. 11/2024, arising out of New Township Police Station Case No. 99/2024 dated May 18, 2024, under Sections 21(C)/25/29 of the NDPS Act, whereby an order for issuance of warrant of arrest, proclamation, and attachment was passed simultaneously against the petitioner.

It appears that charge-sheet in connection with the aforesaid case was filed on November 12, 2024, against the petitioner along with two other accused persons, showing the petitioner as an absconder.

On December 13, 2024, the learned trial Judge issued a warrant of arrest against the petitioner. The said warrant could not be executed on three consecutive dates. Thereafter, on March 5, 2025, the Investigating Agency filed an application before the learned Judge stating that the warrant of arrest issued against the petitioner could not be executed, and prayed for issuance of a fresh warrant of arrest.

Accordingly, the learned Judge issued a fresh warrant of arrest and fixed March 18, 2025 for submission of the execution report. Thereafter, several dates were fixed for filing execution reports in respect of the petitioner.

It further appears that on July 10, 2025, the learned Special Public Prosecutor submitted before the Court that the warrant of arrest could not be executed and prayed for issuance of a proclamation against the petitioner. Upon perusal of the non-execution report and the supporting documents, including a certificate from the concerned Panchayat Pradhan, the learned Judge recorded reasons to believe that the petitioner had absconded. Accordingly, a proclamation was issued requiring the petitioner to appear before the Court on August 20, 2025 or within 30 days from the date of publication thereof, whichever was earlier.

The learned Judge directed issuance of the proclamation in the prescribed form to the Investigating Officer and fixed July 18, 2025 for submission of the report after publication in accordance with law.

It is noteworthy that on July 18, 2025, the learned Judge recorded that the matter was fixed for execution report in respect of warrant of arrest, proclamation, and attachment, although no order of attachment had, in fact, been issued at all at that point of time. The matter was adjourned to August 1, 2025, and on subsequent dates as well, no report was submitted.

On August 29, 2025, the learned Judge directed splitting up of the case record in respect of the petitioner and fixed September 12, 2025 for report regarding publication of the proclamation. On that date also, no execution report in respect of the proclamation was received.

Most significantly, on November 20, 2025, the Officer-in-Charge of the concerned police station appeared before the Court and filed a status report stating that no warrant of arrest, proclamation, or attachment order had been received by the police station. A prayer was made for issuance of fresh orders of warrant of arrest, proclamation, and attachment against the petitioner.

Acting on such prayer, the learned Judge issued fresh orders for warrant of arrest, proclamation, and attachment simultaneously against the petitioner and fixed December 18, 2025 for submission of report regarding publication of the proclamation.

On December 18, 2025, a report was filed stating that a police personnel visited the petitioner's residence but could not

trace him. A copy of the proclamation was affixed on the main gate of the residence in the presence of local witnesses. Due to non-availability of any movable property, the attachment order could not be executed, and a “nil” seizure list was prepared.

The learned Special Judge took the execution report on record and, in view thereof, directed that the case against the petitioner be kept on file for the present, with liberty to reopen the same as and when the petitioner is apprehended and produced before the Court.

Challenging the order dated November 20, 2025, learned counsel for the petitioner submits that the learned Judge was not justified in issuing simultaneous orders for warrant of arrest, proclamation, and attachment, as the same is contrary to the provisions of Sections 84 and 85 of the BNSS, 2023. It is further submitted that since the order dated November 20, 2025 is unsustainable in law, all subsequent orders passed in consequence thereof are also liable to be set aside.

Upon consideration of the materials on record, it appears that a series of orders were passed by the learned Special Judge, as narrated above. Insofar as the order dated July 10, 2025 is concerned, no illegality is found. The said order was passed in compliance with Section 84(1) of the BNSS, 2023, upon being satisfied that the warrant of arrest could not be executed against the petitioner.

However, on November 20, 2025, although the matter was fixed for submission of report regarding publication of the

proclamation, the learned Judge, on the prayer of the Officer-in-Charge, proceeded to issue fresh orders for warrant of arrest, proclamation, and attachment simultaneously.

I am of the opinion that there was no occasion on the part of the learned trial Judge to issue a fresh warrant of arrest when it had already been reported before him that the warrant issued earlier could not be executed. The learned Judge ought to have, in the facts of the case, proceeded with the proclamation only and could not have directed issuance of a proclamation and attachment order simultaneously in the absence of circumstances justifying the same under the first proviso to Section 85(1) of the BNSS, 2023. Learned counsel for the State fairly admits that the learned Judge ought to have granted at least 30 days' time for publication of the proclamation in terms of Section 84(1) of the BNSS, 2023, whereas the date fixed for submission of report did not maintain such statutory interval.

Accordingly, the order dated November 20, 2025 is set aside. Consequently, the order dated December 20, 2025 is also set aside.

The learned trial Judge shall proceed with the proclamation afresh in accordance with law, particularly in terms of Section 84 of the BNSS, 2023. The petitioner shall also be at liberty to take steps in accordance with law.

Accordingly, the instant revisional application, **CRR 648 of 2026**, stands disposed of.

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

(Kausik Chanda, J.)