17 06.11.2026
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Ct. No. 08

CRR 4770 of 2026
CRAN 1 of 2026

In the matter of:- Dildar Guru …petitioner

Mr. Anirban Dutta,
Mr. Sayan Mukherjee,
Ms. Rimisha Bhadra.
….for the petitioner.

Mr. Gouranga Kr. Das ld.APP,
Mr. Subrata Mukherjee,
Mr. Amal Kr. Datta.
…for the State.

1. The report filed by virtue of an earlier direction of Court be kept on record, along with the affidavit of service filed today.

2. The present challenge has been preferred against an order dated September 6, 2024 passed in NDPS Case No.88 of 2023 (R 88/23) by the learned Judge, Special Court, NDPS Act, Nadia at Krishnagar.

3. Learned counsel appearing for the State submits that the present revisional application has been filed only in the year 2026, after an inordinate delay from the date of passing of the impugned order, and as such, the revisional application should be dismissed at the outset.

4. Learned counsel for the petitioner, by placing reliance on the condonation application, argues that at no point of time did the petitioner have any knowledge of the order, having not have notice of the proceeding, as will be evident from the order sheet of the case. Immediately after coming to know of the warrant of arrest as well as the criminal proceeding, the present revisional application has been filed. From the order sheet annexed to the application, there transpires to be substance in such contention of the petitioner. Accordingly, CRAN 1 of 2026 is allowed, thereby condoning the delay in preferring CRR 4770 of 2026.

5. The short question involved in the revision is whether, by the impugned

order dated September 6, 2024, the learned Trial Judge was justified in simultaneously issuing warrant of proclamation and attachment and warrant of arrest, despite admittedly no report having yet been received at that juncture in respect of whether the warrant of arrest could be executed or not.

6. Upon hearing learned counsel for the parties, it transpires that the impugned order suffers from such material defect which hits at the root of the matter.

7. Learned counsel for the petitioner, on the query of Court, submits that the petitioner intends to file an anticipatory bail application.

6. Be that as it may, the petitioner is directed either to surrender within thirty days or to file an application for anticipatory bail within the said period. In default, the petitioner will be immediately arrested. In any event, this Court does not file any discrepancy in the issuance of warrant of arrest vide the impugned order and as such no interference is required on such count. Hence, CRR 4770 of 2026 is partially allowed, thereby setting aside the portion of the impugned order bearing order no.28 dated September 6, 2024 passed by the learned Judge, Special Court NDPS Act, Nadia at Krishnagar in NDPS Case No.88 of 2023 (R 88/23) insofar as the same directed issuance of warrant of proclamation and attachment against the petitioner.

8. The Investigating Officer is directed to file a report with regard to execution of warrant of arrest at the earliest before the Trial Court. Upon such report being filed, the learned Trial Judge shall independently take a call as to whether warrant of proclamation and attachment ought to be issued in accordance with law.

(Sabyasachi Bhattacharyya, J.)