

21.01.2026
Sl. No.06
Ct. 28
NB

C.R.M. (A) 4375 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Patiram PS Case No.191/2023 dated 14.09.2023 under Sections 21(c)/22(c)/23(c)/27A of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: Jahidul Sarkar

... petitioner

Mr. Anindya Ghosh,
Ms. Sumita Sarkar,
Mr. Pronojit Roy.
...for the petitioner.

Mr. Sanjoy Banerjee,
Mr. Atanu Ghosh.
...for the State.

Report filed on behalf of the State is taken on record.

Although a verbal direction was passed in open Court on 16.01.2026, subsequently, both the learned counsels for the petitioner as well as the State mentioned the matter and pointed out that due to inadvertence, a fact had not been placed before this Court. The fact was that a proclamation had been issued against the present petitioner on 17.11.2025.

Therefore, verbal order dictated on 16.01.2026 is recalled.

At this stage, learned counsel for the petitioner submits that the petitioner intends to challenge the order issuing proclamation and attachment together, that too by a Judge-in-Charge. As the above fact was not within knowledge of the petitioner, the petitioner could not make necessary averments in the application for

anticipatory bail. As such, the petitioner would not like to press the same and would pray for liberty to file an application afresh.

On such premise and in the interest of justice, the application for anticipatory bail is dismissed as not pressed.

However, the merits of the case have not been gone into and liberty is granted to the petitioner to file a proper application afresh on the selfsame and/or on the other grounds.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)