

In Re: **Himadri Barua**

...Petitioner

Mr. Soumya Nag,
Ms. Sumitra Das,
Mr. Rajdeep Sengupta,
Ms. Srijata Mukherjee,
Ms. Sananda Chatterjee.

.... For the Petitioner.

1. This application has been assigned before this Court by the Hon'ble Chief Justice on 4th May, 2026.
2. At this stage, the matter is in the position of listed motion.
3. This application filed under Section 520A of BNSS against the order dated 10.02.2026 and 09.03.2026 passed by the learned Additional Chief Judicial Magistrate, Barackpore, North 24 Parganas whereby the order of bail as granted earlier before adding of Section 103 of BNSS, 2023, has been cancelled and also an order of proclamation is issued.
4. Heard the submission, perused the materials and it is to be considered at the initial stage before adding Section 103 the present petitioner was enjoying the order of bail and the date of appearance was fixed in the month of July, 2026.
5. The point is to be considered whether cancellation of bail any notice to be served upon the present petitioner giving him an opportunity in accordance with law.
6. In this regard the learned Advocate for the petitioner relied upon the decision of the Hon'ble Supreme Court in **Gurudev Singh & Anr Vs. State of Bihar & Anr.** reported in **(2005) 13 SCC 286**

and in ***Purushothaman Vs. State of Tamil Nadu*** reported in ***(2024) 19 SCC 481***.

7. Therefore, an arguable case has been made out by the learned Advocate, so, the matter is required to be heard. Issue notice upon the opposite party. Let the matter appear one week after ensuing summer vacation, 2026.
8. In the meantime, the order passed by the learned Additional Chief Judicial Magistrate, Barackpore, North 24 Parganas on 10.02.2026 and 09.03.2026 be stayed qua the petitioner till 12th June, 2026.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Chaitali Chatterjee (Das), J.)