

04.05.2022
Serial no.74
Ct. No. 29
Aloke

CRM (DB) 757 of 2022

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : The State of West Bengal

... ..Petitioner

Mr. Nuguive Ahmed, Advocate

Mr. Sanjoy Bardhan, Advocate

Mr. Suman De, Advocate

... .. For the Petitioner

Mr. Syed Shihid Iman, Advocate

Ms. M. Sultana, Advocate

Mr. S. Khan, Advocate

.. ...For the opposite party
nos. 1 & 2

Affidavits filed in Court be taken on record.

The prayer for cancellation is in respect of interim bail granted by the order dated August 28, 2020.

The learned Judge granting the interim bail did not consider the provisions of Section 37 of the NDPS Act, 1985.

It is contended on behalf of the petitioner that commercial quantity of narcotic was seized from the joint possession of the private opposite parties.

Considering the fact that the learned Judge did not discuss the provisions of Section 37 of the NDPS Act, 1985 while granting interim bail to the private opposite parties in a case involving the Act of 1985, we deem it appropriate to cancel the interim bail granted by such order.

We request the learned Court to consider the prayer for bail made by the opposite parties on merits and on the touchstone of the provisions of Section 37 of the NDPS Act, 1985.

CRM (DB) 757 of 2022 is disposed of accordingly.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)