

07.03.2022

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Ct. No. 29

KAUSHIK

DO

C.R.M. 3691 of 2021

In Re:- An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure read with Section 482 of the Code of Criminal Procedure.

And

In Re : The State of West Bengal

..... petitioner

Mr. Swapan Banerjee

Mr. Suman De

....for the petitioner-State

The State assails an order dated March 30, 2021. By such order the learned Judge, Bench-I, NDPS Act, City Sessions Court, Calcutta granted interim bail to the Opposite Parties in NDPS Case No. 16 of 2020 arising out of Kolkata Police STF Police Station Case No. 12 of 2020 dated February 21, 2020 under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The impugned order does not allude to the provisions of Section 37 of the NDPS Act, 1985. In absence of the discussions of Section 37 of the Act of 1985 while considering the prayer for bail, the impugned order cannot be sustained. The Opposite Parties were arrested with commercial quantity of narcotics. Consequently, the impugned order stands set aside. The Opposite Parties will surrender before the Jurisdictional

Court within a period of seven days from date, in default the Jurisdictional Court is at liberty to take appropriate steps.

CRM 3691 of 2021 is disposed of accordingly.

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(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)