

07.03.2022

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Ct. No. 29

KAUSHIK

DO

C.R.M. 5090 of 2021

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

And

In Re : The State of West Bengal

..... petitioner

Mr. Sabir Ahmed

....for the petitioner-State

The State assails an order dated November 20, 2020 by which, the learned Special Judge, Bench-I, NDPS Act, City Sessions Court, Calcutta granted interim bail to the Opposite Parties in NDPS Case No. 30 of 2020 arising out of Maidan Police Station Case No. 92 of 2020 dated August 18, 2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The impugned orders do 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 orders cannot be sustained. The Opposite Parties were arrested with commercial quantity of narcotic. Consequently, the impugned orders stand 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 5090 of 2021 is disposed of accordingly.

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(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)