

07.03.2022

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Ct. No. 29
KAUSHIK
DO

C.R.M. 6328 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. Ranadeb Sengupta

....for the petitioner-State

The State assails an order dated March 22, 2021 by which, the learned Judge, Bench-I, NDPS Act, City Sessions Court, Calcutta granted interim bail to the Opposite Party in NDPS Case No. 43 of 2019 arising out of STF Police Station Case No. 38 of 2019 dated October 14, 2019 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 Party was arrested with commercial quantity of narcotic. Consequently, the impugned order stands set aside. The Opposite Party 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 6328 of 2021 is disposed of accordingly.

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(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)