

08.07.2022
Court No.1
SL No.34
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(NDPS) 68 of 2022

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

And

In the matter of: **State of West Bengal**

....Petitioner.

Mr. Sourav Ganguly
Ms. Namrata Das

...for the Petitioner/State.

Despite service of notice accused persons are not represented.

Affidavit of service and the report of the Deputy Registrar, Circuit Bench of Calcutta High Court at Jalpaiguri dated 7th July 2022 are taken on record.

State has filed an instant application for cancellation of bail granted by the Learned Vacation Judge, Siliguri in Misc Case No.480(V) of 2021 corresponding with CRNDPS 113 of 2021 on 28th October 2021.

Counsel for the State would argue that the finding of the Court below that the trolley on which the contraband article was being carried by the accused persons has not been seized is wholly incorrect and erroneous.

A copy of the seizure list has been filed in Court indicating that the trolley found by the police and seized.

Given the fact that the accused persons have chosen not to represent before this Court and the error apparent on the face of the order dated 28th October 2021 passed by the Vacation Judge, Siliguri, the bail granted by the Court below on the said date shall stand cancelled and set aside.

The prosecution and the State shall take immediate steps to apprehend the accused, in the event they do not surrender within a period of two weeks from date.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)