

01.10.2024

DL-26
(Dismissed)

(AD)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

CRM (DB) 73 of 2022

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Union of India

... ..Petitioner

Mr. Sudipto Kumar Mazumder, Ld. DSGI
Mr. Sudip Kumar Paul

... for the NCB/petitioner.

Mr. Hillol Saha Poddar

... for the private opposite party.

1. Union of India seeks cancellation of bail granted by Order No.44 dated November 16, 2021 in C.R. (NDPS) Case No.43/18.
2. Learned Deputy Solicitor General of India submits that, learned Trial Judge took into consideration the onset of Covid and granted bail. He submits that, Hon'ble Supreme Court did not permit grant of bail in respect of NDPS cases during the Covid period on the ground of onset of Covid.
3. Private opposite party is represented.
4. We perused the impugned Order No.44 dated November 16, 2021 passed by the Learned Special Court under NDPS Act.
5. Learned Court considered the period of detention and the onset of the Covid in granting bail to the private opposite party.

6. Learned Trial Judge exercised discretion in granting bail.
He gave reasons for the same.
7. Discretion exercised by the learned Trial Judge in granting bail should not be readily interfered with.
Learned Single Judge took into account the period of detention while granting bail.
8. In such circumstances, we are not minded to interfere with the impugned order.
9. **CRM (DB) 73 of 2022** is **dismissed** without any order as to costs.
10. Court is informed that the trial is pending for a considerable period of time.
11. Learned Trial Court is requested to dispose of the trial as expeditiously as possible and not grant any unnecessary adjournments to any of the parties.
12. Learned Trial Court is requested to fix consecutive dates of trial.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)