

D/L40
03.03.2025
Rohit
ct.no.26

C.R.M. 6022 of 2021

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 in connection with Airport Police Station Case No. 40 of 2020 dated 08.03.2020 under sections 420/467/468/471 of the Indian Penal Code read with Sections 22(c)/27A/28 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Section 14A of the Foreigners Act.

And
In Re: **The State of West Bengal**

...Petitioner

Ms. S. Dutta

...for the State/petitioner

Mr. Moyukh Mukherjee
Mr. Abhijit Singh

... for the O.P

1. Application for cancellation of bail is at the behest of the State.
2. Learned Advocate appearing for the State submits that, the jurisdictional court did not consider the rigors of Section 37 of the NDPS Act, 1985 while granting bail to the private respondent. State submits that commercial quantity of contraband was seized from the possession of the private respondent.
3. Private respondent is represented.
4. We find from the records that, jurisdictional court granted bail to the private respondent on June 7, 2021 without considering materials on record

relating to the seizure of commercial quantity of contraband from the possession of the petitioner.

5. Solely on that ground, it can be said that the order granting bail cannot be sustained.
6. However, we are not inclined to cancel the bail granted by the jurisdictional court on the principles of Article 21 of the Constitution of India. Trial is yet to commence. Charges now stand framed. No prosecution witness stand examined at the trial. The police case is dated March 08, 2020. Bail was granted on June 07, 2021.
7. Record produced before Court depict that, prosecution witness no.1 who was a member of the raiding party failed to turn up at the trial on three dates set for recording the evidence of the prosecution.
8. Possibility of trial concluding in the near future does not exist.
9. In such circumstances, we are not minded to interfere with the order of bail subsisting in favour of the private respondent.
10. **C.R.M. No. 6022 of 2021** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)