

D/L43
03.03.2025
Rohit
ct.no.26

C.R.M. 7699 of 2021

In Re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 in connection with Amherst Street Police Station Case No. 04 of 2020 dated 06.01.2020 under Sections 21(c)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

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

...Petitioner

Mr. Rudradipta Nandy, Ld. A.P.P
Mr. Ranadeb Sengupta

...for the State/petitioner

Mr. Arnab Chatterjee
Ms. Poulami Bose
Ms. Dhanasree Biswas

...for the opposite party

1. Application for cancellation is at the behest of the State and directed against the order dated August 2, 2021 passed in a police case involving the NDPS Act, 1985.
2. Apparently, commercial quantity of contraband was seized from the possession of the petitioner.
3. Learned jurisdictional court proceeded to grant bail to the private opposite party purely on the ground of the pandemic condition prevailing.
4. It is the contention of the State that, directions of the Hon'ble Supreme Court regarding grant of bail during pandemic conditions, required the

jurisdictional court to take into account the gravity of the offence.

5. We are not minded to enter into such arenas purely on the principles of Article 21 of the Constitution of India. Police case is dated January 6, 2020. Court is informed that only one prosecution witness was examined in full at the trial.
6. Consequently, possibility of the trial concluding any time in the near future does not appear to be a reality.
7. In such circumstances, we are not minded to interfere with the order impugned before us.
8. **C.R.M. No. 7699 of 2021** is, therefore, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)