

06.03.2025
Item No.50
Court No. 26
CHC

CRM (DB) 3046 of 2024

In re : An Application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973 in connection with NDPS Case No.04 of 2024 corresponding to NCB Crime Number:02/NCB/KOL/2024.

-And-

**In the matter of : Union of India represented by
Narcotics Control Bureau KZU, Kolkata**

... .. Petitioner

Mr. Krishnendu Bhattacharya, Advocate
Ms. Tanusree Ghosh, Advocate
... .. For the Petitioner

Mr. Arnab Chatterjee, Advocate
Mr. Avik Ghosh, Advocate
... ..For the opposite party

1. Narcotic Control Bureau (N.C.B) seeks cancellation of bail granted in favour of the private opposite party on March 5, 2024 in NDPS 4 of 2024.
2. Learned advocate appearing for the petitioner submits that, private opposite party was taken into custody in respect of another narcotic case and therefore, bail should be cancelled on the ground of post bail misconduct.
3. Learned advocate appearing for the private opposite party submits that, his client was taken in to custody under the provisions of Section 3(1) of the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

4. Apparently, the private opposite party is suffering an order of detention under the provisions of the Act of 1988.
5. Such fact, in our view should not be construed as a post bail misconduct on behalf of the private opposite party inasmuch as, there is no authoritative judicial pronouncement as to the involvement of the private opposite party with regard to the Act of 1988 for a criminal offence.
6. Learned jurisdictional Court granted bail after considering the quantum of contraband recovered which is intermediate.
7. In such circumstances, we are not inclined to cancel bail subsisting in favour of the private opposite party.
8. CRM(DB) 3046 of 2024 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)