

SUPREME COURT OF INDIA

Union of India

Vs.

Ikram Khan

Crl.A.No.37 of 2000

(G. B. Pattanaik and U. C. Banerjee, JJ.)

13.01.2000

ORDER

1. Leave granted.

2. This appeal by the Union of India has been filed against the order of the High Court granting bail to the accused against whom a proceeding under the Narcotic Drugs and Psychotropic Substances Act (NDPS Act) is pending. As the trial has not begun for four years, the High Court appears to have refused to exercise its power to cancel the bail.

3. But, while considering the question of bail, the Court was not borne in mind the provisions of Section 37 of the NDPS Act which are mandatory in nature and the Court must bear in mind the said provisions before deciding an application of bail in case an accused is facing a trial under the provisions of the NDPS Act. In that view of the matter, the impugned orders of the High Court granting bail as well as refusing to cancel the bail cannot be sustained and we quash the same. The appeal stands allowed accordingly.

Order accordingly.