

SUPREME COURT OF INDIA

Union of India, Lucknow

Vs.

Aharwa Deen

Crl.A.No.105 of 2000

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

31.01.2000

ORDER

1. Leave granted.

2. The Union of India is in appeal against the order of the learned single Judge of the Allahabad High Court, Lucknow Bench, Lucknow, granting bail to the respondent in case under Sections 8/18, NDPS Act. Pursuant to the notice issued, the respondent has entered appearance. A letter was circulated praying for adjournment to file a counter- affidavit. But we see no justification for a counter-affidavit being filed in a case in hand, since on the face of the impugned order of the High Court granting bail cannot be sustained as the High Court has not looked into the provisions of Section 37 of the NDPS Act.

3. Having heard the learned counsel for the parties and on examining the record of this case, we have no hesitation to come to the conclusion that the High Court was totally in error in granting bail without even focussing its attention to the mandatory provision of Section 37 of the NDPS Act. In that view of the matter, we allow the appeal, set aside the impugned judgment of the High Court.

Appeal allowed.