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SLP(Crl.)No. 2742 OF 2001  
ITEM No.24

Court No. 9

SECTION IIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 2742/2001

(From the judgment and order dated 6.11.2000 in Cr.MC 21453/00  
of The High Court of Patna)

UNION OF INDIA

Petitioner (s)

VERSUS

SANJAY PRASAD

Respondent (s)

( With Appln(s). for stay and exemption from filing O.T. )  
( With Office Report )

Date : 22/10/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. Mukul Rohtagi,ASG  
Mr. A. Mariaputham,Adv.  
Mr. B.K. Prasad,Adv.  
Mr. P. Parmeswaran,Adv.

For Respondent (s) Mr. Prabhash Kr. Yadav,Adv.  
Dr. Krishan Singh Chauhan,Adv.

UPON hearing counsel the Court made the following  
O R D E R

L.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Learned counsel for the parties argued the  
matter for ten minutes.  
Leave granted.  
The appeal is disposed of in terms of the  
signed order.

.SP1

(Ganga Thakur)  
P.S.to Registrar

(Prem Prakash)  
Court Master

Signed order is placed on the file.

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.PL55

CRIMINAL APPELLATE JURISDICTION@@  
AA

CRIMINAL APPEAL NO. .... OF 2002@@  
AA  
(Arising out of SLP(Cr) No.2742/2002)

Union of India ..... Appellant

-Versus-

Sanjay Prasad ..... Respondent

O R D E R@@  
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Leave is granted.  
Heard parties.

By the impugned order bail has been granted in a case under NDPS Act. Section 37 of the NDPS Act provides that, where application for bail is opposed by the public prosecutor, bail can be granted only provided the court is satisfied that there are reasonable grounds for believing that accused is not guilty of such offence and that there is no likelihood of his committing an offence while on bail. The impugned order does not show that the court has considered any of these aspects while granting bail. We, therefore, set aside the impugned order. We, however, grant liberty to the respondent-accused to make a fresh application for bail which will be disposed of expeditiously by the trial court in accordance with law.

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We clarify that we have not expressed any opinion on merits.

The appeal stands disposed of accordingly.

.SP1

.....J.  
(S.N. Variava)

New Delhi,  
October 22, 2002.

.....J.  
(P. Venkatarama Reddi)