

27.06.2022.
07.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 703 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 262 of 2021 arising out of NDPS Seizure Case No.S/C NO:12/NDPS/CL/Phensedyl/BCPU/CCP/WB/2021-22 dated 27.11.2021 under Sections 21(c)/29 of the NDPS Act read with Section 27A of the Drugs and Cosmetics Act.

In the matter of : Md. Asraf Ali & Ors.

... Petitioners.

Mr. S. Das Mahapatra,
Mr. Jisan Iqubal Hossain.

...for the Petitioner.

Mrs. Rajashree Venket Kundalia

...for the UOI.

Heard the learned Advocates appearing for the parties.

Petitioners seek statutory bail. On 30th May, 2022 complaint was filed by the Customs Authorities. Later, application seeking statutory bail was filed by the petitioner. It is contended the application for statutory bail preceded the complaint filed by the Department.

We are unable to subscribe to such view. Order impugned shows the petition seeking bail was filed “later” i.e. after the complaint was placed before the court concerned. An observation made in the order of a court is presumed to be correct.

In view of the aforesaid, as the complaint had preceded the application seeking statutory bail, we are of the considered opinion the denial of statutory bail was justified.

On merits, there are ample materials collected in the course of investigation to show that the petitioners were

transporting 3100 bottles of phensedyl in a vehicle. Keeping in mind the aforesaid materials on record and in view of statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioners.

Accordingly, the prayer for bail of the petitioners is rejected.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)