

C.R.M. (A) 4072 of 2022

30.08.2022
Sl.9
Court No.29
(AD)
(Rejected)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with NDPS seizure CaseNo.S/C No:03/NDPS/CL/BCPU/CCP/WB/2020-21 dated **02/03/2021**, under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985, corresponding to NDPS Case No.41/2021.

And

In the matter of: **Sukhen Saha**

....petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Vipul Kundalia

Ms. Ekta Sinha

...for the Custom Authorities.

Petitioner prays for anticipatory bail.

Affidavit of the Commissioner of Customs filed in Court be taken on record.

The petition for anticipatory bail was received by the relevant range office of the Customs on August 20, 2022. The petition remains unattended by the Customs since August 23, 2022 even after the matter was appearing in the list.

The justification for non-appearance of the Customs authorities when the matter was taken up from August 23, 2022 onwards is that, there was a problem with the software on August 23, 2022 and August 24, 2022.

Surely, the Customs authorities will ensure a better representation in Court henceforth.

There is one criminal antecedent so far as the petitioner is concerned.

The petitioner was denied anticipatory bail on June 7, 2021 in CRM 1121 of 2021 involving NDPS Act, 1985 on the ground that the petitioner is power of attorney of the vehicle from where,

commercial quantity of narcotics was seized.

In such circumstances, the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 4072 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)