

IN THE HIGH COURT OF JUDICATURE OF MADRAS

Orders Reserved on : 17.08.2020

Pronouncing on : 24.08.2020

CORAM

THE HONOURABLE MR.JUSTICE.N.ANAND VENKATESH

Crl.O.P.No.4330 of 2020

A.M.Manikandan

....Petitioner/
Accused

Vs.

The Intelligence Officer,
Directorate of Revenue Intelligence
27 GN Chetty Road,
Chennai 600 017

... Respondent /
Complainant

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail, pending investigation in the above C.C No.86 of 2018 on the file of the Hon'ble Special Judge I Additional Court (EC &NDPS) Act cases at Chennai.

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For Petitioner : M/s.T.Sugirtha

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor
NCB Cases

ORDER

This is the 2nd bail petition filed before this Court after the earlier bail petition was dismissed by this Court by an order dated 18.05.2019 made in Crl OP No.221 of 2019.

2. This Court passed a detailed order, after considering all the issues put forth by the learned Senior Counsel, who appeared on behalf of the petitioner. The learned counsel for the petitioner made the following submissions :-

(a) The syrup and Tablets which are in question, are not Narcotic Drugs under the NDPS Act, in view of Entry 35 in the Notification dated 14.11.1985.

(b) Even if it is taken to be a drug, the petitioner never attempted to conceal the same and it was clearly revealed in the invoice and that was also cleared by the concerned authority in the Airport.

(c). The petitioner was not aware of the fact that the drug in question is a Narcotic drug and he shipped the drugs in good faith and the same was cleared in the Airport and that he never attempted to conceal the same.

(d) The petitioner has been inside the jail for more than two years and there is a good chance for the petitioner being acquitted in the case.

3. Mr.N.P.Kumar, learned Special Public Prosecutor appearing on behalf of the respondent submitted that the petitioner is reopening the very same issues that were already argued in the earlier bail petition and there are absolutely no change in circumstances to consider this bail petition.

4. The learned counsel for the petitioner laid a lot of emphasis on the notification dated 14.11.1985 and Entry 35 made therein. This Court while passing the earlier order, had taken note of this Notification and the same is clear from a reading of paragraph

Nos.14 and 15 of the order. The very same notification was brought to the notice of this Court and after considering the same, this Court rejected the said arguments.

5. The grounds urged by the learned counsel for the petitioner with regard to the good faith shown by the petitioner by not concealing the drugs was also considered by this Court while dismissing the earlier bail petition. This Court does not find any change in circumstances to entertain the 2nd bail petition. In the result, this Criminal Original Petition is dismissed.

24.08.2020

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N.ANAND VENKATESH., J.

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24.08.2020