

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11340 of 2020

Balachandar

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
NIBCID,
Chennai.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 8 of 2020, pending investigation before the respondent police.

For Petitioner : Mr.M.Karthik

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.02.2020 for the offences punishable under Sections 8(c), 22(C), 20(b)(ii)(B), 25 & 29(1) of NDPS Act in Crime No. 8 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution is that on 22.02.2020 based on a secret information, the respondent police found that the petitioner along with other accused transporting drugs viz., MDMA, Metamorphine and LS tablets and 2.5 KG cannabis (Ganja) and the same was seized from the second accused. Hence, a case in Crime No.8 of 2020 has been registered and the petitioner was remanded to judicial custody on the same day.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since he happens to be the friend of A1, he has been falsely implicated in this case. He would submit that the petitioner is in custody for 159 days as on today (29.07.2020). Hence, he prays to grant bail to the petitioner.

4 Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the quantum of contraband involved in this case is a commercial quantity and the petitioner is native resident of Delhi and that they have been involving in the business of supplying drugs to the college and university students. He would further submit that since the quantity of contraband involved in this case is a commercial quantity, Section 37 of NDPS Act will be attracted. Hence, he vehemently opposed for the grant of bail to the petitioner.

5 Taking into account the nature offence and the fact that the contraband involved in this case is a commercial quantity, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

-sd/-

29/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL JUDGE
IN EC & NDPS ACT, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NIBCID, CHENNAI.

CC to M/S. M.KARTHIK Advocate on payment of necessary charges

CRL OP.11340/2020

Date :29/07/2020

cs 24/08/2020