



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5546 of 2021

R.R.NO.8/2020

C.C.NO.95/2020

(ON THE FILE OF THE PRINCIPLE SPECIAL JUDGE, PRINCIPAL SPECIAL COURT
EC AND NDPS ACT CHENNAI-104)

U.NAGOOR GANI

[PETITIONER / ACCUSED]

Vs

CENTRAL REP.BY
THE SUPERINTENDENT OF CUSTOMS,
R AND I AIR UNIT
NEW CUSTOMS HOUSE,
MEENAMBAKKAM,
CHENNAI.
O.S.3/2020-PAD-INT-AIR

RESPONDENT]

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

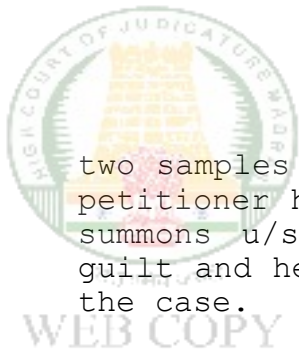
For Respondent : M/S.N.P.KUMAR, Special Public Prosecutor, for
Customs, Cases

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested and remanded to judicial custody on 21.02.2020 for the offence punishable under Sections 8 (c) r/w 17 (c), 18(b), 23, 28, and 29 of NDPS Act, in R.R.C No.8 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent/superintendent of Customs received information from DHL Office and then proceeded to the office and took a parcel for examination with the help of DHL Staff and on opening the parcel it was found to contain 11,680 kgs of Bharath Jeera Goli candy Mukh which was prohibited for export and therefore, the officer has drawn



two samples each weighing 25 grams. On enquiry it was found that the petitioner herein only booked the said parcel and he was served with summons u/s 108 of Customs Act and the petitioner admitted his guilt and he was remanded to judicial custody on 20.02.2020. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner was doing real estate business and export business and the samples are neither narcotic drugs nor psychotropic substances and it is only an Ayurvedic medicine. Hence, he prays to give an opportunity to send the samples to lab test to get the analysis report and also prays to release the petitioner on bail. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the petitioner had booked 11,680 kgs of Bharath Jeera Goli candy Mukh which was prohibited for export. Hence, he vehemently opposed for grant of bail to the petitioner.

5. .Considering the gravity of offence committed by the petitioner and the quantity of contraband seized is very high and bail is prohibited u/s 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However the petitioner is at liberty to approach the trial court to obtain expert opinion by sending the seized contraband for forensic analysis for the purpose of establishing his innocence.

-sd/-
24/06/2021

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 PRINCIPLE SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT EC AND NDPS
ACT CHENNAI-104.

2 THE SUPERINTENDENT OF CUSTOMS,
R AND I AIR UNIT NEW CUSTOMS HOUSE,
MEENAMBAKKAM,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S. R.C.PAUL KANAGARAJ Advocate on payment of necessary
charges

CRL OP.5546/2021

Date :24/06/2021

TA-23/07/2021