



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16647 of 2021

IN C.C.NO.128 of 2018

(On the File of the I Additional Special Judge for NDPS Cases,
Chennai)

D.TAMIZHARASAN

[PETITIONER / ACCUSED]

Vs

THE SUPERINTENDENT OF CUSTOMS
RSI AIR UNIT,
CUSTOMS HOUSE,
RAJAJI SALAI,
CHENNAI 600027,
O.S.NO.03/2018-PAD-INT (AIR) CHENNAI

[RESPONDENT]

For Petitioner : M/S S.ANBURAJA Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. Side)

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 22 C, 23, 28 and 29 of Narcotic Psychotropic Substance Act, 1985 in O.A.No.03/2018-PAD-INT(AIR) Chennai , on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.05.2018 two independent mahazar witnesses were called upon by Shri D. Mohan, Intelligence Officer, attached to PAD Intelligence, customs, Chennai to be present at the Foreign Post Office, Meenambakkam, Chennai-27 to witness the examination proceedings of Export speed post parcel



consignment booked to various foreign countries like USA, United Kingdom, Australia and found that 5940 tablets were found in the 40 parcels and the said tablets contained Salts/substances (Alprazolam, Clonazepam, Diazepam, Lorazepam and Zolpidem) which was scheduled under the NDPS Act, 1985 and was prohibited for export. On enquiry it was found that the said parcel was booked in the name of the Vinayaga Agency and the petitioner is the proprietor of the Vinayaga Agency. Hence 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 17.05.2018. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner does not have any knowledge about the nature of the tablets that were exported by him and further he does not have any knowledge as why those tablets are being exported and the purpose of it and the parcel was not booked in the name of the petitioner and not seized from his agency. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the 5940 tablets were found in the 40 parcels and the said tablets contained Salts/substances (Alprazolam, Clonazepam, Diazepam, Lorazepam and Zolpidem) which was scheduled under the NDPS Act, 1985 and 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 i.e commercial quantity 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.

-sd/-
20/09/2021

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 I ADDITIONAL SPECIAL JUDGE
FOR NDPS CASES, CHENNAI



2 THE SUPERINTENDENT OF CUSTOMS
RSI AIR UNIT, CUSTOMS HOUSE,
RAJAJI SALAI, CHENNAI 600027,

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.16647/2021

Date :20/09/2021

JPA 06/10/2021