



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.22730 of 2021

M.RUBAKMANIKANDAN

[PETITIONER / ACCUSED]

Vs

THE SUPERINTENDENT OF CUSTOMS
PROSECUTION UNIT - AIR,
NEW CUSTOM HOUSE,
MEENAMBAKKAM, CHENNAI.
(R.R.NO.16 OF 2021)

[RESPONDENT]

For Petitioner : M/S. P.MANIKANNAN Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 18.07.2021 for the offences punishable under Section 8(c) r/w 20 (b), 22(c), 23, 28 & 29 of NDPS Act, in R.R.No.16 of 2021, seeks bail.

2.The case of the prosecution is that, on 15.07.2021, the petitioner has attempted to smuggle 535 grams of suspected MDMA tablets & 4 grams of LSD stamps and the same was seized at Foreign Post Office, Meenambakkam, Chennai and also in a possession of 5.5 kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner was staying in the boading mansion and suddenly he was arrested and remanded to judicial custody on 17.11.2021. He was suffering from cardiac problem. Hence, he seeks bail to the petitioner.

4.The learned Government Advocate would submit that on 15.07.2021 at about 11.30 hours, two witnesses were called up the Foreign Post Office, Meenambakkam, Chennai, to witness the examination proceedings of foreign registered postal parcel bearing tracking No.RF233512011ES, which was arrived from Spain. The parcel did not contain any Customs Declaration /CN22 form, then the parcel was opened and it was found one cardboard box containing Silver



colour opaque polythene cover, which contains 994 pink colour tablets and the officer suspected that the said tablets might be containing 'MDMA' a synthetic drug prohibited for import under NDPS Act, 1985 and the same were seized as per the provisions of the Customs Act, 1962 r/w the provisions of the NDPS Act, for investigation and for further action. Thereafter, the Custom officer searched the premises of the petitioners with search warrant and found two carbon boxes containing 5.5 kgs of Ganja belongs to the petitioner. On enquiry the petitioner contested that he received parcel from Akkil from Kerala. He received those drugs parcel but he failed to give the address of Akkil. He would further submit that 10 grams of MDMA tablets and LSD of 0.1 grams are commercial quantity, and if he will be released on bail, he would destroy the witnesses, which may lead to sever hindrance to the prosecution. Hence, he vehemently opposed to grant bail to the petitioner.

5. On a perusal of the records, it reveals that the petitioner received parcel of the contraband article and the investigating agency also recovered more than 5 kgs of Ganja from him. As per the petitioner's confession, he received the said parcel of Ganja from one Akkil, who belongs to Kerala. So all the part reveals that it needs detailed investigation. If he released on bail he would destroy the witnesses.

6. Considering the above facts and circumstances of the case and the nature of allegations against the petitioner and also taking note of the fact that the investigation is at initial stage, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
09/12/2021

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 SUPERINTENDENT OF CUSTOMS
PROSECUTION UNIT - AIR,
NEW CUSTOM HOUSE, MEENAMBAKKAM, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. P.MANIKANNAN
charges SR.NO.14356

Advocate on payment of necessary

CRL OP.22730/2021

Date :09/12/2021

CSK 05/01/2022