



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.2185 of 2022

M.RUBAKMANIKANDAN

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S. P.MANIKANNAN Advocate

For Respondent : MR.N.P.KUMAR Special Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

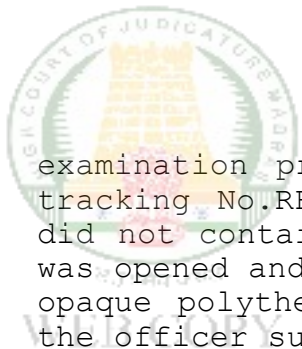
ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 18.07.2021 for the offences punishable under Sections 8(c) r/w 20 (b), 22(c), 23, 28 & 29 of NDPS Act, 1985, 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 boarding mansion and suddenly, he was arrested and remanded to judicial custody on 18.07.2021. He was suffering from cardiac problem. Hence, he seeks bail to the petitioner.

4.The learned Government Advocate (Criminal Side) 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 Customs officer searched the premises of the petitioner 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 who belongs to 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 severe 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. On seeing the above facts and circumstances of the case and that there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed. However, as he is in custody, the trial Court is directed to dispose of the case within a period of two months from the date of receipt of a copy of this order.

-sd/-
11/02/2022

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, PUZHAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. P.MANIKANNAN Advocate on payment of necessary
charges SR.No.2230

CRL OP.2185/2022

Date :11/02/2022

CSK 17/02/2022