



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.1966 of 2022

A.VIJAY KUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
H1 POLICE STATION,
NO. 28, T.H. ROAD,
OLD WASHHERMANPET,
CHENNAI - 600021.
CRIME NO.2845 OF 2021

[RESPONDENT]

For Petitioner : M/S. R.SHAMINI Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 10.12.2021 for the offence under Sections 8(c), 22(b), 25 and 29(1) of the Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.2845 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on a secret information the respondent police, arrested this petitioner, who was working as a Salesman cum Delivery Boy in a medical shop situated at Nellore in Andhra Pradesh, on 10.12.2021, for selling drug viz., NITRAET-10 and a case has been registered in Crime No.2845 of 2021, against this petitioner and seven other accused and hence, this petition, seeking bail.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in the FIR, which was preferred for the alleged occurrence, the name of the petitioner do not find place. In the said circumstances, the respondent police without any relevant materials, which shows the nexus between the crime and the accused, arrested the petitioner and thereafter, remanded him to the judicial custody. The petitioner is in the judicial custody from 10.12.2021 onwards. Hence, he is before this Court, with the present petition for enlarging him on bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that though the name of the petitioner do not find place in the FIR, during the time of investigation, after arresting the accused, the respondent police recovered Nitrosun Tablets contained in 20 pads with each pad containing 10 tablets altogether 200 Nitrosun tablets and Tapal tablets contained in 28 pads with each pad containing 10 tablets altogether 280 Tapal tablets were seized and from the same accused TYDOL tablets of 10 pads with each pad containing 10 tablets altogether 100 TYDOL tablets were seized. Totally, there are 9 accused and from the said accused, the respondent had seized (1) Nitravit-10-600 tablets $\times 0.554 = 332.4$ gms (2) TYDOL-205 tablets $\times 0.267 = 54.735$ gms, (3) NITROSUN-200 tablets $\times 0.554 = 110.8$ gms and (4) TAPAL - 280 tablets $\times 0.267 = 74.76$ gms, which covered under the provisions of the NDPS Act.

5. The learned Additional Public Prosecutor, would further submit that since the quantity of contraband recovered from the petitioner is classified as commercial quantity, he cannot be released on bail. It is her further submission that the petitioner belongs to the State of Andhra Pradesh and therefore, if he is released on bail, he may try to tamper the witness and hamper the investigation.

6. Now, on considering the submissions made by the learned counsel on either side, there is no dispute that the petitioner belongs to the State of Andhra Pradesh and also not in dispute the quantity of contraband which was screened in the recovered tablets, comes under the commercial category. Further, during the relevant point of time, the petitioner and all other accused attempted to sell the tablets to the public. Hence, the alleged offence committed by the petitioner is nothing but, a serious one, which endangers human life.



7. Therefore, taking into consideration the above said factors, this Court is not inclined to grant bail to this petitioner. Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

-sd/-
10/02/2022

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 INSPECTOR OF POLICE,
H1 POLICE STATION, NO. 28, T.H. ROAD,
OLD WASHHERMANPET, CHENNAI - 600021.

2 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.SIVARAMAN Advocate on payment of necessary charges SR.NO.2187

CRL OP.1966/2022

Date :10/02/2022

JPA 14/02/2022