



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11420 of 2022

R.R.No.06 of 2022

IN NCB F.NO.48/1/02/2022-NCB/MDS

(ON THE FILE OF THE JR.INTELLIGENCE OFFICER, NCB/MDS)

AJAY

[PETITIONER / ACCUSED]

Vs

UNION OF INDIA
THROUGH JR.INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU,
CHENNAI ZONAL UNIT,
CHENNAI.
NCB F.NO.48/1/02/2022-NCB/MDS.

[RESPONDENT]

For Petitioner : M/S.T.DHARANI Advocate

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

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 09.02.2022 for the offences punishable under Sections 8(c) r/w 22 (C) 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 in crime R.R.No.06 of 2022 in NCB F.No.48/1/02/2022-NCB/MDS, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.02.2022, the petitioner and other accused involved in illegal transportation of 11 kg of white colored crystalline substance viz., Ampetamine at NH-16, Gummudipoondi, Tamil Nadu. Hence the complaint.



3. The learned counsel for the petitioner submitted that false case has been foisted as against the petitioner and on the date of alleged occurrence viz., on 07.02.2022, he got married at Ariyalur. Even according to the case of the prosecution, no narcotic substances was recovered from the petitioner. He further submitted that only on the confession of the first accused, the petitioner has been implicated as an accused in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Special Public Prosecutor filed counter and submitted that the petitioner is the main accused and the case is under investigation. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen from the counter it revealed that on special information, the respondent seized 11 Kg of white colored crystalline substance believed to be Amphetamine at NH-16, Gummudipoondi, Tamil Nadu, from the possession of one Sivanantham, from a truck bearing registration No. TN18 AD 1478 coming from Guwahati. The preliminary enquiry was made and it revealed that they are in Ariyalur, Tamilnadu for the petitioner's marriage and the other accused person who mediated the purchase transaction of Methamphetamine on commission. In fact, the petitioner also admitted in his statement that he involved in the illegal traffic of 11 Kg of While coloured crystalline power believed to be Amphetamine. He further admitted that he proceeded in a truck from Chennai to Gwahati for collection of the seized contraband as per the direction of the first accused and waited at Gwahati for collection of drugs, who was to arrange the seized contraband from Moreh, Manipur to Gwahati. Due to police checking, the said contraband was not reached timely in Gwahati in due time.

6. Further, the petitioner was staying with the first accused in his house for the past three years and he is the subordinate of all illegal works and transport business done by the first accused. Further the first accused purchased some vehicles in the petitioner's name for illegal trafficking, procurement and transportation of the seized contraband. Except the confession statement of the first accused, there are materials to attract the offence as against the petitioner herein. Therefore, the petitioner failed to satisfied the twin conditions under Section 37 of the NDPS Act. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, this Criminal Original Petitions is dismissed.

-sd/-

06/06/2022

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 UNION OF INDIA
THROUGH JR.INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU,
CHENNAI ZONAL UNIT, CHENNAI.

2 THE SPECIAL PUBLIC PROSECUTOR NCB CASES,
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

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

CRL OP.11420/2022

Date :06/06/2022

TA-15/06/2022