



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.12897 of 2022

A.SAKTHI PRASATH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THIRUPALAIVANAM POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO.53 OF 2022.

[RESPONDENT]

For Petitioner : M/S. R.C. PAUL KANAGARAJ Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

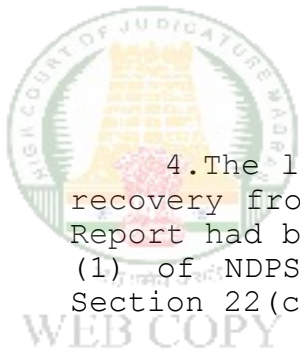
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested and remanded to judicial custody on 19.04.2022 for the offence under Sections 8(c) r/w 22(b), 29(1) of NDPS Act in Crime No.53 of 2022 on the file of the respondent police, seeks bail.

2.It is seen that the earlier bail petition has been dismissed by the learned Principal Special Judge for NDPS Act, Chennai, on 27.05.2022. That application has been filed by all the three accused. Before this Court, only the third accused has filed this petition.

3.The case of the prosecution is that an information had been received that Psychotropic Substances were being sold and accordingly, the accused who were also in possession of cell phone numbers were contacted and from A1, the respondent police had seized 33 numbers of LSD Stamps and 33 numbers of MDMA Tablets and also two cell phones. It had been stated that A3 / present petitioner was present along with A1.



4.The learned counsel for the petitioner stated that there is no recovery from A3 / present petitioner and that the First Information Report had been registered only under Sections 8(c) r/w 22(b) and 29 (1) of NDPS Act, which is in between the quantity and not under Section 22(c) of NDPS Act, which indicates commercial quantity.

5.The learned Additional Public Prosecutor, however, stated that an alteration report had been filed and that provision to law had been altered to Section 22(c) of NDPS Act. Hence, he vehemently opposed to grant bail to A3 / present petitioner.

6.Nature of recovery is an issue of trial. The role of present petitioner will have to be examined only during the course of trial. Under Section 37 of the NDPS Act, the Court must come to prima facie conclusion that the petitioner can be acquitted of all charges and therefore, bail should be granted to the petitioner herein. But, here there been a recovery of 33 numbers of LSD Stamps and 33 numbers of MDMA Tablets from A1 in the presence of A3. Investigation is necessarily required to be conducted with respect to the role of A3 and whether he had been involved in the offence of purchase and distribution of LSD Stamps and MDMA Tablets.

7.In view of the above and since the investigation is still pending and is in a very nascent stage, this Court is not inclined to grant bail to A3 / present petitioner and accordingly, this petition stands dismissed.

-sd/-

01/06/2022

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 PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT, CHENNAI.

2 THE INSPECTOR OF POLICE,
THIRUPALAIVANAM POLICE STATION,
THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S. R.C. PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NO.8287

CRL OP.12897/2022

Date :01/06/2022

TA-02/06/2022