



Crl.OP.No.14145 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 27.07.2019 for the offences punishable under Sections 22(c), 25, 27A, 28 and 29 r/w 8(c) of NDPS Act, 1985, in F.No.DRI/CZU/VIII/48/ENQ-1/INT-25/2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.07.2019, on specific information the respondent police makes surveillance check near Vanagaram toll booth and found that the petitioner with two bags along with one Valli, and trying to board in the bus. On examination they found that the petitioner was in possession of 10.61 kgs of methamphetamine and nothing found in Valli's bag. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that there are totally two accused in which the petitioner is A1. The second accused was arrested and released on bail. The petitioner has been incarceration from the date of his arrest viz., 27.07.2019. After completion of investigation, the respondent laid charge sheet and after framing of charges it is pending for trial.

Insofar as the trial, there is no likelihood of conclusion of trial, since it is



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pending from the year 2020. He further submitted that the Hon'ble Supreme Court of India in the case of possession of 445 kg of Ganja was released on bail on the ground that there is no likelihood of earlier conclusion of trial. He further submitted that during the search they seized the contraband and mandatory provisions under Section 50 of the NDPS Act was not properly followed. That apart, one Valli was also in possession of contraband. However, she was left out.

4. On perusal of the counter filed by the respondent police revealed that the specific information was received to the effect that Methamphetamine is being illicitly carried by the petitioner from Vanagaram toll booth, Chennai to Rameshwaram and travelling in Orange Travels sleeper bus. On receipt of the same, detailed search and examination was conducted after following the procedures as contemplated under provisions of NDPS Act. The petitioner was found in possession of believed to be Methamphetamine and the same was recovered under the NDPS Act on seizure magazar and arrested the petitioner and remanded to judicial custody. It is commercial quantity. Though the main accused was granted bail by the Hon'ble Supreme Court of India, the Hon'ble Supreme Court of India considered the ground that the second accused was arrested only on the confession statement of the first accused. He was not in



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possession of any contraband. It is more than the commercial quantity as such Section 37 of the NDPS Act is invoked in this case. As per the Section 37 of the NDPS Act, there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. However, the petitioner failed to prove that he is not guilty of such offence and he is not likely to commit any offence while on bail.

5. Considering the above facts and circumstances, this Court is not inclined to grant bail to the petitioner. However, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this Order.

6. Accordingly, this Criminal Original Petition is dismissed.

29.08.2022

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