



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.15023 of 2022

1. Thameem Ansari
2. S.M.Shaik Mohamed Ali ... Petitioners

Vs.

The Intelligence officer,
Narcotic Control Bureau,
Madurai.
(NCB F.No.48/1/01/2022/MDU) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in NCB F.No. 48/1/01/2022/MDU on the file of the respondent police.

For Petitioners : Mr.M.S.Charles

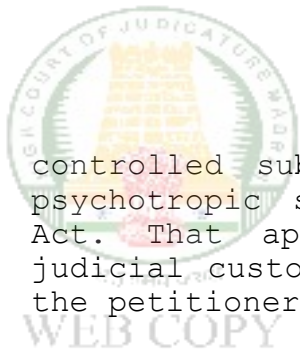
For Respondent : Mr.N.P.Kumar
Special Public Prosecutor for GST

ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.03.2022 for the offence under Sections 8(c), 22, 27A r/w Section 29 of the Narcotic Drugs and Psychotropic Substances Act, in NCB F.No.48/1/01/2022/MDU, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 18.03.2022, the respondent seized 3.018 Kgs of Ephedrine from DHL Express India Pvt. Ltd., and during the course of investigation it came to the knowledge that the petitioners were involved in the seizure of the alleged contraband. Hence the petitioners were arrested and remanded to judicial custody on 27.03.2022.

3. The learned counsel appearing for the petitioners submitted that the alleged seized drug is neither narcotic drug nor psychotropic substances. Therefore, the bar under Section 37 of the NDPS Act does not attract in the present case. It is said to be



controlled substance and therefore it is not a narcotic drug or psychotropic substance, to attract the offence under Section NDPS Act. That apart, the petitioners are arrested and remanded to judicial custody on 27.03.2022 and hence, he prayed to grant bail to the petitioners.

4.The learned Special Public Prosecutor (for NCB) appearing for respondent filed counter and submitted that on 24.03.2022 at 08.00 hrs, an information was received by the Intelligence Officer over telephone that the first petitioner was proceeding to Singapore on 24.03.2022, who concealed the 3.018 Kg of white colour crystalline powder viz., Ephedrine which was seized at DHL Tiruppur on 18.03.2022 and sent through the second petitioner through fake Aadhar card which was seized at DHL Tiruppur on 18.03.2022. The information was submitted before the Superintendent, NCB, Madurai and he instructed to serve summons to the petitioners under Section 67 of the NDPS Act. During the course of surveillance, it has come to the knowledge that the first petitioner is involved in the seizure of 3.018 Kg of Pseudoephedrine.

4.1.The learned Special Public Prosecutor further submitted that the second petitioner in his voluntary statement stated that his brother-in-law viz., the first petitioner herein asked him to send the consignment of Ephedrine to Australia illegally. The first petitioner also handed over the parcel of artificial jewellery sent after concealing the Ephedrine to the second petitioner. He also received Rs.15,000/- for his work. They prepared designed Aadhar card with random number and fake address with the photo of the first accused for booking the courier at DTDC, Maduari. The genuineness of Aadhar card was verified from the Unique Identification Authority of India and found to be fake. Therefore, the petitioners have committed other offences also. Hence he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the petitioners and the period of incarceration by the petitioners from the date of his arrest viz., 27.03.2022, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b] the petitioners shall report before the respondent police daily twice at 10.30 a.m., and 5.30 p.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

04/07/2022

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 ADDITIONAL DISTRICT JUDGE
PRESIDING OFFICER, SPECIAL COURT FOR
ESSENTIAL COMMODITIES ACT CASES, COIMBATORE

2 THE INTELLIGENCE OFFICER
NARCOTIC CONTROL BUREAU, MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.S.CHARLES Advocate on payment of necessary charges
SR.NO.10606

CRL OP.15023/2022

Date :04/07/2022

JPA 04/07/2022