

**CrI.OP.No.15376 of 2022****G.K.ILANTHIRAIYAN, J.**

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The petitioner, who was arrested and remanded to judicial custody on 17.06.2020 at the hands of the respondent police for the alleged offences punishable under Sections 8 (c) r/w 22(c), 22(b), 20(b)(ii)(c), 25, 29(1) of NDPS Act in Crime No.12 of 2020, seeks bail.

2. The case of the prosecution is that the Inspector of Police, NIB CID, Chennai is said to have received secret information that on 17.03.2020 at 12.45 a.m., two persons were about to come for selling Narcotic Drug Methamphetamine and Heroine by two wheeler. Thereafter, they found that two accused were in possession of 3 Kgs of Methampohetamine 0.75g charas of Heroine, which is a commercial quantity and the same was seized. Thereafter, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that even according to the respondent, only 0.250 kgs Methamphetamine was recovered from the petitioner. Only on the confession statement of the other accused i.e., A1 and A2, the petitioner has been falsely implicated in this case.



4. That apart, the mandatory provision under Section 42 and 50 of the NDPS Act had not been followed. There is absolutely no *prima-facie* case to register a case for the offence under NDPS Act. Whereas, the petitioner along with A1 and A2 were conscious possession of contraband, which is a commercial quantity. All the grounds raised by the petitioner cannot be considered during the bail petition. Therefore, since, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

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