



Crl.OP.No.17284 of 2022

Crl.O.P.No.17284 of 2022

G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 27.04.2021 for the offences punishable under Sections 8(c) r/w 22(c), 28 and 29 of NDPS Act, in NCB.F.No.48/a/05/20-21 NCB-MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.04.2021, on information the respondent police went to M/s.DHL Express India Pvt. Ltd, a courier parcel booking office and checked a parcel and found four cricket hand gloves and four thigh guards. On examination of thigh guard and after cut opening of a cloth layer, they found black polythene wrapped packet containing white crystalline powder believed to be Amphetamine and they seized 0.990 Kg of Amphetamine. On enquiry revealed that the petitioner and other accused tried to send the contraband to foreign country. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that even according to the case of the prosecution, one Jayamurugan was enquired and he stated that he accompanied with the second accused on his request, he dropped him in the courier office. On the way to courier office they bought one



Crl.OP.No.17284 of 2022

set of hand gloves. In the courier office, the second accused failed to provide the identity card and on his request, the said Jayamurugan gave his identity card and booked the parcel in his name. He never whispered about the presence of the petitioner while sending the courier and the petitioner has been falsely implicated as accused in this case. He is nothing to do with the alleged offence and he has been implicated only on the confession statement of the second accused. The statement under Section 67 of the NDPS Act is not admissible one and except the statement, no other material to connect the petitioner with the allegations. He further submitted that even assuming that the confession statement is true, the hand gloves did not contain any contraband and the cricket thigh guard purchased by the second accused only contained the contraband. That apart, the petitioner arrested and remanded to judicial custody on 27.04.2021 and now charge sheet has been laid and the trial is pending. Therefore, he prayed to grant bail to the petitioner.

4. On perusal of counter affidavit filed by the respondent, the consignment was in possession of 0.990 grams white crystalline powder believed to be Amphetamine and it was concealed in Cricket thigh guard, at M/s.DHL Express India Pvt. Ltd. Other than the confession statement, there was several phone calls between the petitioner and one Sam viz., the first



Crl.OP.No.17284 of 2022

accused herein, for purchase of the contraband and he used to send the same to foreign country. The petitioner is the main person behind the entire crime. Further it is a commercial quantity and the petitioner failed to fulfil the twin conditions as contemplate under Section 37 of the NDPS Act.

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.

30.08.2022

rts



WEB COPY



Crl.OP.No.17284 of 2022

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.17284 of 2022

30.08.2022