



Crl.OP.No.19203 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 14.02.2020 for the offences punishable under Sections 8(c) r/w 22(c), 28 and 29 of NDPS Act, in NCB.F.No.48/1/03/20-NCB/MDS on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.02.2022, based on the specific information the respondent police went to the place of occurrence and seized 5 kg of white colour crystal powder believed to be Methamphetamine from the petitioner and three others. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner was arrested and remanded to judicial custody on 14.02.2020 and he has been incarcerated for the past two and half years. Hence, he prays to grant bail to the petitioner.



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4. The learned Special Public Prosecutor appearing for the respondent submitted that the petitioner and three others were found in possession of 5 Kg of Methamphetamine and the seized contraband is commercial quantity. Therefore, Section 37 of the NDPS Act attracts in this case and the petitioner failed to satisfy the conditions as contemplated under Section 37 of NDPS Act. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that there are totally four accused and the petitioner is arrayed as A4. The petitioner and other accused persons were found in possession of 5 Kg of Methamphetamine and it is a commercial quantity. That apart, the petitioner failed to fulfil the twin conditions as contemplate under Section 37 of the NDPS Act. Further there are evidences to show that all the accused persons were contacted each other and they were in consious possession of the contraband.

6. Considering the above facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

30.08.2022

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