



Crl.O.P.No.21189 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9(A) r/w 23, 25A, 28 and 29 of NDPS Act, 1985 in R.R.No.38 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner while attempting to go out of the Country, on a specific information was intercepted and on such, he was found to smuggle 99 grams of Methamphetamine Hydrochloride by concealing it in his rectum. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that there is violation of Section 50 of the NDPS Act.



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4.Mr.N.P.Kumar, the learned Special Public Prosecutor appearing for the respondent has filed a counter and the relevant portion of the counter is extracted hereunder:

“3.The complainant respectfully submits that the petitioner was asked to produce his travel documents to which he produced his boarding pass viz. Indigo Airlines 6E1207 (Chennai to Colombo) bearing seat no 11E and name 'BABUKUMAR/ARUNKUMAR'. That the check-in luggage viz. One grey colour bag with baggage tag no.6E0312676083 of the petitioner (Shri Arun Kumar's) was called through Indigo Airlines staff and the petitioner was offloaded along with his above-mentioned baggage and was brought to the AIU room situated in the arrival hall of Anna International Airport, Chennai for thorough examination of his baggage and search of his person, along with mahazar witnesses. Before the examination of the baggage and search of person, section 50 of the NDPS Act and the provisions of Section 102 of Customs Act, 1962 was explained to him. However, on noticing that the petitioner to be nervous, on persistent questioning by the officer, the petitioner had accepted to concealing narcotics wrapped in adhesive tapes in his rectum and



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that he agreed to voluntarily eject the same. Thereafter the petitioner was taken to the toilet along with witnesses and he voluntarily ejected two bundles wrapped with adhesive tapes and washed it by him and the same was handed over to the officer. That the petitioner and the independent witnesses were taken back to AIU room for further proceedings.”

The learned Special Public Prosecutor appearing for the respondent would submit that the petitioner who is a Indian National attempted to smuggle 99 grams of Methamphetamine Hydrochloride which is a commercial quantity by concealing it in his rectum. He would further submit that Section 50 has been complied with and the petitioner has voluntarily taken it out and handed it over. He would further submit that the investigation agency has complied with Section 50 of the NDPS Act and that the petitioner has not satisfied the ingredients under Section 37 of the NDPS Act. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel and perused the entire materials



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available on record.

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6.It is a case where the petitioner attempted to smuggle 99 grams of Methamphetamine Hydrochloride by concealing it in his rectum. This Court is of the opinion that the petitioner has not satisfied the condition under Section 37 of NDPS Act. Accordingly, this Criminal Original Petition is dismissed. However, it is made clear that the observations are made only for deciding this application for bail and the petitioner is entitled to raise all the grounds before the trial Court at the relevant stage.

26.09.2022

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