



Crl.O.P.No.21980 of 2022

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A.D.JAGADISH CHANDIRA, J.,

The petitioner, who was arrested and remanded to judicial custody on 19.07.2022 for the alleged offence under Sections 8(c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.36 of 2022, seeks bail.

2.The case of the prosecution is that on 19.07.2022, at about 06.30 hrs, based on a secret information, the respondent police went to the place of occurrence and conducted search. While so, the petitioner /A2 was found in possession of 60 grams of Methamphetamine, A2 was found in possession of 60 grams of Methamphetamine and A3 was found in possession of 12 grams of Methamphetamine. Subsequently, they were arrested for the illegal possession of narcotic drug Methamphetamine of 132 grams in total. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would submit that even as per the prosecution, no witnesses have been examined at the time of conducting search and that the mandatory requirements regarding search and seizure were not followed by the respondent. He would submit that



the petitioner was arrested on 17.07.2022 and he is in custody for more than 60 days and charge sheet has not yet been filed. Thereby, he would seek bail to the petitioner.

4.The learned Government Advocate (crl.side) appearing for the respondent police submitted that the respondent, on secret information detained the petitioner and other accused. On search, the petitioner and two others were found in possession of 132 grams of Methamphetamine. The respondent has filed a detailed counter about the details of seized quantity from the accused persons. He would submit that the recovery was done in the presence of the officials. Further, the investigation is in the initial stage and the preliminary test revealed that the substance seized is Methamphetamine. However, the samples have been sent to the lab for chemical analysis and yet to be received. He would further submit that it is a case involving commercial quantity and the respondent has 180 days to file the final report. At this stage, if bail is granted to the petitioner, it will affect the investigation and that the contraband involved in this case is 132 grams of Methamphetamine, out of which 60 grams of Methamphetamine has been recovered from the petitioner, which is also a commercial quantity. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record, including the F.I.R and the counter affidavit filed by the respondent.

6. It is seen that the total contraband involved in this case is 132 grams of Methamphetamine, out of which 60 grams of Methamphetamine has been recovered from the petitioner, which is a commercial quantity. Therefore, the petitioner has to satisfy three conditions under Section 37 of NDPS Act. (i) to provide opportunity to the Public Prosecutor to oppose the bail. (ii) prima facie satisfaction regarding availability of ground for believing that the accused is not guilty. (iii) he is not likely to commit any offence while on bail are required to be fulfilled simultaneously for grant of bail. All the submissions of the petitioner side as regards the falsity of the case, and against the possession of illicit articles and culpable mental state of defences kept open for consideration at the time of trial. It is not possible for this Court, at this juncture to record its satisfaction on the existence of any substantial probable cause for believing the accused is not guilty of the offence charged. Further, the preliminary test has also proved that the material seized from the petitioner is Methamphetamine.

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7. In view of the above, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

09.11.2022

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