

CrI.O.P.No.22972 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 10.05.2022 for offence punishable under Sections 8(c), r/w 22(c), 25, 29(1) of NDPS Act in Crime No. 17 of 2022, seeks bail.

2. The case of the prosecution is that on 09.05.2022, on information, the respondent police at 12.00 to 1.00 p.m at Muthaiya Street, Mannadi, secured A1 and on his confession, the petitioner was secured by the respondent on the same day at 4.30 p.m. and recovered 1 Kg of Methamphetamine from Yamaha Bike bearing Registration No.TN 19 AC 4885. Hence, a case was registered by the respondent police.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2. He is doing second year M.Sc., He is no way connected in any offence as alleged by the respondent herein.

4. Even according to the prosecution, the contraband was seized from the bike. The said bike was not owned by the petitioner herein.

That apart, upon the said recovery, the petitioner has been implicated on



the confession of A1. He was arrested and remanded to judicial custody from 10.05.2022. The mandatory provisions were not complied with by the respondent. Even after arresting the petitioner, the arrest intimation was not informed to the petitioner's family. Though FIR registered on 09.05.2022, there was a delay in sending the FIR to Sub Court. The contraband was not sent to the Court within time. The police personnel stood as witness while searching on the petitioner. Therefore, the mandatory provisions are not complied with by the respondent. He further submitted that the petitioner has been falsely implicated and as such if he is not released on bail great prejudice would be caused to him and he has got very good case to succeed.

5. A perusal of the records reveals that there are totally two accused, in which the petitioner is arrayed as A2. On the confession of A1, the contraband was recovered by the respondent. Though the petitioner had driven the Yamaha bearing Registration No.TN 19 AC 4885, it was not owned by the petitioner. However, admittedly he had driven the vehicle, the contraband was found in the possession of the petitioner's vehicle and it is a commercial quantity.



6. All the grounds raised by the petitioner can only analysed during the trial and it cannot be presumed at this stage of bail. Since the commercial quantity of contraband is seized from the petitioner's vehicle, NDPS Act bars for granting bail. The bail can be granted in case there are reasonable grounds for believing that accused is not guilty of such offence and that his life is likely to spoil. However, the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act.

7. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner had committed very serious offence and this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

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