



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25705 of 2021

Praveen

... Petitioner

Vs.

The State by
The Inspector of Police,
K-5, Peravallur Police Station,
Chennai.
(Crime No.1178 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1178 of 2021 on the file of the respondent police.

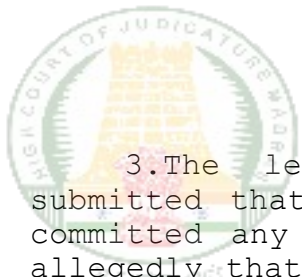
For Petitioner : Mr.John Sathyan
For Mr.M.Ganeshan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

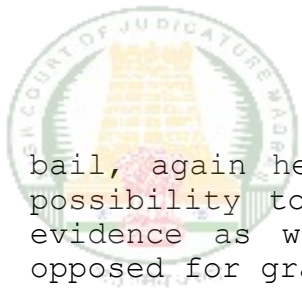
The petitioner who was arrested and remanded to judicial custody on 21.07.2021 for the offences under Sections 8(c) read with 22(c), 25, 29(1) of the Narcotic Drugs and Psychotropic Substances Act, in Crime No.1178 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.07.2021, the Inspector of Police received a secret information from the informant, and based on that, the Inspector of Police, along with police team went to 1st Main road, Jawahar Nagar, Peravallur near Indian Bank, wherein, they found that the petitioner along with other accused person in a Dio Scooter bearing Reg.No.TN-05-BM-8631, at that time, the petitioner along with other accused persons were found in illegally possession of 20 numbers of LSD stamps weighing around 1.90 grams, Hence, the complaint was registered.



3.The learned senior 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. It is further allegedly that the persons were giving conflicting answers and later, they identified themselves as Richard Daniel (23 years) and this petitioner. Since no one from the locality came forward to stand as witnesses to the search, the constables were asked to stand as witnesses and the Inspector of Police explained the reason for the proposed search and explained the right to be searched before a Magistrate or a Gazette Officer under Section 50 of the NDPS Act. Further, the accused turned down the right under Section 50 and requested the search be conducted by the Inspector himself and same was reduced into writing Richard Daniel and searched from him 20 numbers of LSD stamps weighing around 1.09 grams was seized along with a mobile phone.. He further submitted that the petitioner left his house on 19.07.2021 at about 3.00 p.m to his friend's house by name Ahmed. Thereafter at about 05.00 p.m., on 19.07.2021 went to pick up Richard leaving his laptop behind at Ahmed;s house. The petitioner's parents tried reaching the petitioner, bu the phone was switched off thereafter they searched for the petitioner frantically in vain and lodged a complaint before the V-4 Rajamangalm Police Station and preliminary investigation was taken up by the Rajamangalam Police at about 1.00 on 20.07.2021 Ahmed came to the house of the petitioner and handed over the laptop belonging tot he petitioner. He further submitted that the petitioner is a Mechanical Engineer from Valliammal Engineering College and has been trying to admission for higher studies in the United Kingdom and has taken an IELTS examination and scored 7.0 Because of Covid-19 Pandemic he was not able to go ahead with the admission process. Further, the petitioner had even applied for a job and had received an invitation to attend an interview on 21.07.2021 between 11.00 a.. and 12.00 noon. He further submitted that there is no previous case pending against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner and others were found in possession of 20 numbers of LSD stamps weighing around 1.90 grams, 2 cell phone. He further submitted that the seized material produced before the V Metropolitan Magistrate Court, Egmore, and the said Court and taken on file vide CF.No.239 of 2021 and NAR No.377 of 2021 dated 29.07.2021 . He further submitted that the Chemical analysis report is awaited. He further submitted that the petitioner had filed a petition before the Principal Special Judge for Essential Commodities & Narcotic Drugs and Psychotropic Substances Act, Chennai vide Crl.M.P.No.2271 of 2021 under section 91 Cr.P.C seeking to summon the manager of the Indian Bank, Jawahar Nagar, 1st Main Road, Peravallur to produced CCTV footage from 05.00 pm to 10.00 pm on 20.07.2021 and the same was dismissed on 20.09.2021. He further submitted that the the contraband involved in this case 1.90 gms 20 LSD stamp is a commercial quantity. He further submitted that if the petitioner is let out on



bail, again he will commit the similar type of offence and there is possibility to escape from the clutches of law and tamper with the evidence as well as threaten the witnesses. Hence, he vehemently opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner further submitted that there is no previous antecedents and the quantity involved is not commercial quantity. Further, he undertakes that the petitioner will co-operate with the trial.

6. On perusal of FIR and it is seen that the petitioner along with other accused persons were found in possession 1.90 gms of 20 LSD stamp which is commercial in quantity. Therefore, Section 37 of NDPS Act is attracted as against the petitioner and the petitioner is also failed to show any single ground to satisfy the condition as contemplated under Section 37 of NDPS Act. Further, the petitioner is involved in very serious offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

04/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
K-5, PERAVALLUR POLICE STATION,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S M.GANESHAN Advocate on payment of necessary charges
SR.NO.1908

CRL OP.25705/2021

Date :04/02/2022

INBA~09/02/2022