

CRL.O.P.No.27820 of 2022

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T.V.THAMILSELVI,J.

The petitioner who was arrested and remanded to judicial custody on 28.07.2021 for the offences under Sections 8(c) r/w 20(b)(ii)B 22(c), and 29(i) of the NDPS Act in C.C.No.322 of 2021 on the file of the II Additional Special Court for exclusive Trial cases under NDPS & EC Act, Chennai in respect of Crime No.2362 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secrete information by the informant, the respondent police intercepted the two wheeler bearing registration No.TN-02-BR-7004, Duke, TN-09-CU-6570 DIO and TN-07-CB-1913 Duke at Moolakothalam Graveyard wherein the petitioner/A5 and other accused were found in possession of 2 Kgs of Ganja and 11 thousand numbers of Nitrovit Tablets (6622.2grams) and 1400 numbers of Tydol Tablets (378.8grams) and the respondent police seized the contraband and arrested them and registered the case under Sections 8(c)



r/w 20(b)(ii)B 22(c), and 29(i) of the NDPS Act in C.C.No.322 of 2021 on the file of the II Additional Special Court for exclusive Trial cases under NDPS & EC Act, in Crime No.2362 of 2021 on the file of the respondent police and the petitioner is arrayed as A1.

3. The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 28.07.2021 and for the past about 15 months the petitioner is incarceration. Since the prosecution failed to conduct the purity test then the seizer of the contraband construed only small quantity. In such event the maximum punishment for the small quantity is 1 year imprisonment. The petitioner already underwent substantial portion of imprisonment. He further submits that he is innocent, law-abiding citizen and he is ready to abide by any condition and furnish substantial sureties to the satisfaction of this Court. Hence, he seeks bail.

4. The learned Government Advocate (Crl. side) raised objection stating that there are totally 5 accused, in which the petitioner arrayed as A1. The petitioner was found in actual possession of contraband/ Nitroxit 10mg -9000 and the same was seized from him by the respondent police.



Further, this Court had dismissed earlier three bail application filed by him.

Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the gravity of offence committed by the petitioners, this court is not inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

30.11.2022

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