



Crl.O.P.No.26768 of 2022

Crl.O.P.No.26768 of 2022

A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 06.07.2022 for the offences punishable under Sections 8(c), 20(b)(II)(A) and 22(c) of NDPS Act 1985 in Crime No.143 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.07.2022 at about 20.00 hours, when the Sub – Inspector of Police along with his police team were in the station, at that time the respondent police received a secret information about illegal transportation of narcotic substances at Kasimedu Power Kuppam Subway, Chennai. Immediately, the Sub - Inspector of Police along with his police team conducted a check-up and at that time, the accused persons A1/Sarath @ Sarathkumar/petitioner herein, A2/Piraiarasan, A3/Mugesh, A4/Thilipkumar, 5/Pugal @ Pugalenthil and A6/Chandru @ Chandraprakash were found standing suspiciously. The police party arrested all the accused, except A6 who absconded from the place of occurrence and later, he was arrested and remanded to judicial custody. The petitioner herein was arrested along



Crl.O.P.No.26768 of 2022

WEB COPY

with the other accused on 06.07.2022 for illegal possession of 8 Nos. of LSD Stamps (totally weighing 130 Mg). The respondent police seized the 8 Nos. of LSD Stamps (totally weighing 130 Mg) from the possession of the A1/petitioner herein under the cover of seizure mahazar and recorded the confession statement of A1 & A6 in the presence of witnesses. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in this case. Hence, he prays to grant bail to the petitioner.

4. The respondent filed a detailed counter.

5. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent would submit that it is a case where the petitioner was arrested for having found in possession of 8 Nos. of LSD Stamps (totally weighing 130 Mg), which is a commercial quantity. He would further submit that the investigation in this case is pending and the



Crl.O.P.No.26768 of 2022

WEB COPY

lab report has not been received. He would further submit that the petitioner has for 1 previous case of similar in nature and apart from that, he has got one case for the offence under Section 302 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.

6. The petitioner is A1 in this case. The contraband involved in this case is 8 Nos. of LSD Stamps (totally weighing 130 Mg), which is a commercial quantity and the petitioner has to satisfy the condition required under Section 37 of NDPS Act. It is the case of the petitioner that it is a foisted case. It is submitted that the investigation is at initial stage and the petitioner has also got 1 previous case of similar nature. At this premature stage, it is difficult to consider the requirements of Section 37 of NDPS Act.

6. In view of the same, this court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

16.11.2022

mpl



WEB COPY



Crl.O.P.No.26768 of 2022

A.D.JAGADISH CHANDIRA, J.
mpl

Crl.O.P.No.26768 of 2022

16.11.2022