



Crl.O.P.No.27864 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to Judicial custody on 17.03.2022 for the alleged offence punishable under Section 8(c) r/w 22(a), 22(c), 29(1) of NIPS Act, and Sections 465, 468 and 472 IPC, in C.C.No.203 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.03.2022, based on the secret information received by the respondent, the respondent and their team went to the scene of crime and found that the accused persons were in possession of contraband namely Nitrovet-10mg each strip contain 15 tablets totally 150 tablets and Tydol-100mg ten strips each strip contain 10 tablets totally 100 tablets. Thereafter, the respondent registered FIR in Crime No.81 of 2022 and the same has been taken cognizance by the trial Court in C.C.No.203 of 2022 for the offence under Sections 8(c) r/w 22(a), 22(c), 25 and 29(i) of NDPS Act and Sections 465, 468 and 472 IPC.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that except the presence of the accused in the place of occurrence, there is no material to connect him with the offence. There is no material available to link the accused with the offence of selling any contraband at any point of time to anyone or he was found in possession of any drugs at any point of time. He would further submit that the notice issued under Section 50 of NDPS Act has not been properly followed or it was explained to the accused about his right vested under law. The property seized from other accused persons had not been produced before the Court within the stipulated time as stated in the NDPS guidelines. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that totally there are six accused in this case in which, the petitioner is arrayed as A4. On receipt of the secret information, the respondent police along with his team went to the scene of crime and found that the petitioner along with other accused persons were in possession of contraband namely Nitrovet-10mg each strip contain 15 tablets totally 150 tablets and



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Tydol-100mg ten strips each strip contain 10 tablets totally 100 tablets, it is a commercial quantity. He would further submit that there is no change of circumstances after dismissal of the earlier bail petition. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

14.11.2022

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