



Crl.O.P.No.1948 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who was arrested and remanded to judicial custody on 22.01.2020 for the offences punishable under Sections 8(c) r/w 22(C), 29(1) of NDPS Act, in Crime No.3 of 2020 on file of the respondent police, seek bail.

2. The case of the prosecution is that the accused was found to be in illegal possession of 60 grams of Methamphetamine. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the even though the alleged contraband is shown as Psychotropic substance in the scheduled annexed with the NDPS Act, it is not shown in the Schedule I as per Rules 53 and 64 of the NDPS Rules, therefore, the general prohibition imposed by Rules 53 & 64 are not applicable. He also stated that the petitioner is in custody from 21.01.2020 and he is ready to abide by any



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stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found to be in illegal possession of 60 grams of Methamphetamine. He also submitted that the seized contraband is a commercial quantity of psychotropic substance comes under Section 37 of NDPS Act. He also stated that the charge sheet has been filed and the case has also been taken up on the file in C.C.No.82 of 2020 pending on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. He also stated that if the petitioner is released on bail at this stage, there is every possibility of the petitioner to abscond. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned Government Advocate (Crl.Side) and also considering the fact that the alleged contraband is a commercial quantity, this Court finds that the petitioner has not satisfied the twin conditions under Section 37 of NDPS Act, thereby, he is not entitled for grant of bail. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

30.01.2023

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