



Crl.O.P.No.3681 of 2023

G.K.ILANTHIRAIYAN,J.

The petitioner, who was arrested and remanded to judicial custody on 17.03.2022 for the offences punishable under Sections 22(c), 25, 27A, 28 and 29 r/w 8(c) of NDPS Act, in F.No.DRI/CZU/VIII/48/ENQ-1/INT-25/2019 on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 27.07.2019, on specific information, the respondent Police made surveillance check near Vanagaram Toll booth and found the petitioner with two bags along with one Valli, and trying to board a bus. On examination, they found that the petitioner was in possession of 10.61 kgs of Methamphetamine and nothing was found in Valli's bag. Hence, the complaint.

3. The learned counsel for the petitioner submitted that there are totally two accused, in which the petitioner is arrayed as A1. The second accused was arrested and released on bail. The petitioner has been incarceration from the date of his arrest, viz., on 27.07.2019. After



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completion of investigation, the respondent laid charge sheet and after framing of charges, it is pending for trial. He further submitted that the Hon'ble Supreme Court of India, in the case of possession of 445 kg of Ganja, released the accused on bail on the ground that there is no likelihood of earlier conclusion of trial. He also submitted that during the search, they seized the contraband and mandatory provisions under Section 50 of the NDPS Act was not properly followed. That apart, the main accused was granted bail by the Hon'ble Supreme Court of India. Therefore, he prays to grant of bail to the petitioner.

4. The respondent filed counter and stated that on specific information received to the effect that Methamphetamine is being illicitly carried by the petitioner from Vanagaram Toll booth, Chennai to Rameshwaram and travelling in Orange Travels sleeper bus. On the basis of enquiry, it revealed that the petitioner was travelling in bus and he had admitted that he was carrying drug in the bag concealing 10 tea packets. However, on cut opening the said pouch, it was found to contain a sealed two layered transparent polythene packing containing white crystal substance and it is weighing about 10.61 kgs of Methamphetamine. Immediately, the petitioner was



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arrested and remanded to judicial custody. Further, the petitioner voluntarily gave statement which was recorded under Section 67 of NDPS Act and on his confession, the second accused was arrested and remanded to judicial custody and thereafter he was released on bail by the Hon'ble Supreme Court of India. As far as the petitioner is concerned, he was in possession of 10.61 kgs of Methamphetamine and it is “commercial quantity”. Therefore, the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of the NDPS Act. Now, the respondent filed charge sheet and the case has been taken cognizance in C.C.No.14 of 2020. So far, the prosecution had examined P.W1 and yet to examine P.W2.

5. Considering the above facts and circumstances and that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. However, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is dismissed.



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