



Crl.O.P.No.5197 of 2023

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**A.D.JAGADISH CHANDIRA,J.**

The petitioner who was arrested and remanded to judicial custody on 20.09.2021 for the offences punishable under **Sections 8(c) read with 22(c), 25, 29(1) of NDPS Act, in Crime No.305 of 2021**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with another accused was found in possession of 100 grams and 450 grams of Methamphetamine respectively. Hence, the case.

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. The petitioner is only a driver appointed by the the 1<sup>st</sup> accused Sivakumar and other than that, the petitioner has nothing to do with the alleged offence. He would further submit that the 1<sup>st</sup> accused has already been granted bail by this Court vide Crl.O.P.No.21870 of 2022 by order dated 09.11.2022 and that the petitioner has been suffering incarceration for about 1½ years from 20.09.2021. Hence, he would pray for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that it is a case where the respondent police have recovered 550 grams of Methamphetamine from the accused persons which is a commercial quantity. He would submit that on a specific information, the respondent police intercepted the Ford Eco Sports Car bearing Regn.No.TN-18-AP-6768 which was driven by the petitioner along with the 1<sup>st</sup> accused Sivakumar and after following due procedure, they conducted search during which, 450 grams of Methamphetamine was recovered from A1 Sivakumar which was kept in the dash board of the Car in a Flip Lock Cover and 100 grams of Methamphetamine was recovered from the petitioner/A2 which was kept in his right side pant pocket in a Flip Lock Cover. Insofar as the 1<sup>st</sup> accused is concerned, he has been granted bail by this Court on medical grounds and insofar as the petitioner/A2 is concerned, he has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act for grant of bail. He would further submit that the investigation has already been completed and the final report has also been taken on file in C.C.No.97 of 2022 on the file of the I Additional Special Judge for NDPS and EC Act Cases, Chennai,



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and now the case has been posted to 30.03.2023 for examination of L.W.1

and hence, he would seek for the dismissal of the bail application.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials available on record.

6. It is a case where a commercial quantity of 550 grams of Methamphetamine has been seized. A perusal of record shows that the allegation against the petitioner/A2 is concerned, 100 grams of Methamphetamine has been seized from him. In the opinion of this Court, the petitioner/A2 has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act for grant of bail. Hence, this Court is not inclined to grant bail to the petitioner.

7. However, a direction is issued to the trial Court to complete the trial in C.C.No.97 of 2022 as expeditiously as possible preferably, within a period of six months from 30.03.2023.



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**A.D.JAGADISH CHANDIRA,J.**

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8. With the above direction, this Criminal Original Petition is dismissed.

**17.03.2023**

Index : Yes/No  
Internet : Yes/No  
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**Copy to:**

The I Additional Special Judge for NDPS and EC Act Cases,  
Chennai.

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