



Crl.O.P.No.5279 of 2023

Crl.O.P.No.5279 of 2023

WEB COPY

A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 11.06.2022, for the alleged offences punishable under Sections 8(c), 22(c) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.105 of 2022, seeks bail.

2. The case of the prosecution is that on 11.06.2022 at about 13.10 hours, Tr.Boobalan, Sub-Inspector of Police on receipt of secret information about illegal sale of drug tablet at Nagooran Thottam, entered the same in the General Diary and after obtaining permission, he along with his party went to the scene of occurrence. At that time, three unknown persons were standing with black color bag and on seeing the police, they tried to escape from that place. Immediately the police caught hold of two of them and another person escaped from that place and subsequently, during search, they found MDMA-ecstasy tablets-21 nos. weighing 10.15 grams from the accused Stephen @ Moonu Thalai Stephen/A1 and the said contraband was seized under seizure mahazar in the presence of witnesses and a case was registered by the respondent Police in Crime No.105 of 2022 under sections 8(c) r/w 22(c), 29(1) NDPS Act against the accused. Hence the case.



Crl.O.P.No.5279 of 2023

WEB COPY

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He also submitted that only in order to put fetters on the petitioner, the respondent police have foisted this case against him. He further submitted that alleged contraband was recovered only from the first accused and there was no recovery from the petitioner. He also submitted that the respondent has completed the investigation and has also filed the final report, which was taken on the file of the Principal Special Court under EC & NDPS Act cases, Chennai, in C.C.No.42 of 2023. He further submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.5058 of 2023 dated 29.03.2023. He also submitted that the petitioner is in custody from 11.06.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner (A2) along with other accused was found in illegal possession of MDMA ecstasy tablets, weighing 10.15 grams, which is a commercial in nature and the chemical report obtained on 22.08.2022 has also confirmed that the seized contraband is MDMA. He further submitted that in respect of



Crl.O.P.No.5279 of 2023

A3 in this case, since he stands on the different footing, this Court has granted bail to him and as far as this petitioner is concerned, he along with A1 were arrested on the spot and from A1, 10.15 grams of MDMA ecstasy tablets, which comes under commercial quantity, were recovered and the petitioner was found in conscious possession of the contraband. He also submitted that apart from this case, the petitioner has got 5 previous cases out of which, one case (Crime No.708 of 2021) has been registered for the offence under NDPS Act. He also submitted that there are 6 witnesses in this case and the case now stands posted on 11.04.2023. Hence, he opposed for grant of 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 materials available on record.

6. It is the case where the petitioner along with A1 were arrested together on the spot and from A1, 10.15 grams of MDMA ecstasy tablets were recovered and the petitioner, who was standing along with A1, was in conscious possession of the contraband. Apart from that, the petitioner is having one previous case of similar nature and the case of A3 is different that no recovery was made from him and he was not arrested on the spot and also



WEB COPY



Crl.O.P.No.5279 of 2023

A.D.JAGADISH CHANDIRA, J.

ham

other than the confession statement recorded from A1 & A2, no other materials are available to implicate A3 in this case, thereby, this Court has granted bail to A3. As far as this petitioner is concerned, he has not satisfied the twin conditions required under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the 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 8 weeks from the date of receipt of a copy of this order.

30.03.2023

ham

Crl.O.P.No.5279 of 2023