



Crl.O.P.No.5967 of 2023

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A.D.JAGADISH CHANDIRA, J.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.11.2022 for the offences punishable under Section 8(c) r/w 22 (C) of NDPS Act, in Crime No.503 of 2022, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 09.11.2022 at about 12.30 hours, the Sub Inspector of Police was in station duty, at that time, he received a secret information about one African person engaged in illegal transport of Narcotic substances, after receiving the secret information, he along with his team went to the spot, at that time, on seeing the police team, the accused attempted to escape from that place. Immediately, the said police team caught hold of the accused and enquired him. During enquiry, they came to know that the accused namely Chibike, Nigeria, Africa, who was found in illegal possession of 60 grams of Methamphetamine and the same were seized from the accused under the cover of seizure mahazar in the presence of witnesses. Thereafter the respondent police arrested the accused and recorded the confession statement from him. Based on the above fact, a case was registered in Cr.No.503 of 2022 for the offence under Section 8(c),



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r/w 22(c) of NDPS Act, 1985 against the accused. Hence, the complaint.

3. The 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 petitioner is a Nigerian National and when he had come to India he had been falsely fixed in the case and arrested and he is in custody from 09.11.2022 and the investigation has been completed and the final report has also been filed and the case has been taken on file in CC.No.131 of 2023 on the file of the II Additional Special Court under EC & NDPS Act, Chennai. Hence, he seeks for grant of bail to the petitioner.

4. The learned counsel for the respondent has filed a detailed counter.

5.The learned Government Advocate (crl.side) for the respondent would submit that it is a case where the petitioner was intercepted and the contraband of 60 grams of Methamphetamine has been recovered. He would further submit that over and above 50 grams of Methamphetamine is a commercial quantity and the petitioner is a Nigerian National and if the petitioner is granted bail there is every possibility of the petitioner to flee away from the country. He would also submit that the investigation has been completed and the charge sheet has also been filed and taken on file in



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CC.No.131 of 2023 on the file of II Additional Special Court under EC & NDPS Act, Chennai. He further submit that there are totally five witnesses in this case and the respondent will be able to complete the trial within a period of three months and he further submit that the petitioner has not satisfied the condition required under Section 37 of the NDPS Act for grant of bail. Hence, he vehemently opposed for the grant of bail to the petitioner.

6. Considering the facts and circumstance of the case and also of the fact that it is a case of sole accused where the petitioner was arrested for having found in possession of 60 gms of methamphetamine, which is a commercial quantity and the petitioner is also a Nigerian National, this Court is of the opinion that the petitioner has not satisfied with the condition under Section 37 of the NDPS Act for grant of bail. Hence, this Criminal Original Petition is dismissed.

7. However, the learned Trial Judge is directed to complete the trial within a period of three months from the date of receipt of copy of this order.

24.03.2023

drl

A.D.JAGADISH CHANDIRA.,J.

drl



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24.03.2023