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Crl.O.P.No.6513 of 2023

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A.D.JAGADISH CHANDIRA.,J.

The petitioner, who was arrested and remanded to judicial custody on 09.11.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B), 22(b) & 25 of the NDPS Act, in Crime No.786 of 2022 on file of the respondent police, seeks bail.

2. There are totally three accused involved in this case and the petitioner is arrayed as A3. The case of the prosecution is that the petitioner was found in illegal possession of (i) Nitrosun -30 (2950 tablet), (ii) Nitrovet 1 Box – 225 tablets, (iii) Sapasmo Proxyno Plos 11 Boxes – 1584 tablets and (iv) Tydol 100 Mg Tapentadol Tablets 4 Boxes – 500 tablets and the same has been seized by the respondent police. 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 submitted that the petitioner is no way connected with the alleged offence and he is ready to abide by any stringent conditions that may be imposed by this



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Court. He further submitted that A1 & A2 have been arrested and enlarged on bail before the learned Principal Special Court under EC & NDPS Act, Chennai-104, in Crl.M.P.Nos.5178 & 6050 of 2022 dated 28.10.2022 & 30.11.2022 respectively. He also stated that the petitioner is in judicial custody from 09.11.2022 and therefore, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of (i) Nitrosun -30(2950 tablet), (ii) Nitrovet 1 Box – 225 tablets, (iii) Sapasmo Proxyno Plos 11 Boxes – 1584 tablets and (iv) Tydol 100 Mg Tapentadol Tablets 4 Boxes – 500 tablets. He submitted that the entire contraband has been seized by the respondent. He submitted that the petitioner is a habitual offender and he has one previous case pending against him which is similar in nature. He submitted that the investigation is in nascent stage. He further submitted that the seized contraband is a commercial quantity, for which, the petitioner has to satisfy the conditions required under



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Section 37 of NDPS Act, whereas, in this case, the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act. He also stated that the petitioner is the permanent residence of Uttar Pradesh and 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.

6. 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.

7. Taking into consideration the above facts and circumstances of the case and the submissions made by either side of the parties, this Court is of the opinion that the petitioner 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.

8. Accordingly, this Criminal Original Petition stands dismissed.

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23.03.2023



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