



Crl.O.P.No.9590 of 2023

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WEB CO **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 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 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



Crl.O.P.No.9590 of 2023

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) r/w 22(c) of NDPS act, against the accused. Hence the case.

3. The learned counsel for the petitioner would submit that this is the second application for bail and the earlier application filed by the petitioner was dismissed by this Court in Crl.O.P.No.5967 of 2023 vide order dated 24.03.2023. He further submitted that now, the investigation has been completed and the petitioner is in judicial custody from 09.11.2022, therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent Police would submit that this is the second application for bail and this Court, taking into consideration that the petitioner is a Nigerian National and the contraband involved in this case is commercial quantity and the petitioner has not satisfied the condition required under Section 37 of the NDPS Act, had dismissed the earlier bail application very recently on 24.03.2023. He would further submit that this Court, while dismissing the



Crl.O.P.No.9590 of 2023

bail application, had directed the learned trial Judge to complete the trial within a period of three months from the date of receipt of copy of the earlier order and the time limit has not been completed so far. He would also submit that immediately, after one month, the present petition for bail has been filed. Hence, he prayed for dismissal of the petition.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (crl.side) and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (crl.side), this Court is of the opinion that the petitioner is a Nigerian National and he has not satisfied the twin conditions required under Section 37 of NDPS Act and further, there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.



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Crl.O.P.No.9590 of 2023

A.D.JAGADISH CHANDIRA, J.

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7. Accordingly, the Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to strictly comply with the order passed by this Court in Crl.O.P.No.5967 of 2023 dated 24.03.2023.

28.04.2023

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Crl.O.P.No.9590 of 2023