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Crl.O.P.No.12014 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023 for the offences under Sections 8(c) r/w 22(c), 25, 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.148 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.03.2023, on receipt of a secret information regarding illegal sale of drugs, the Sub-Inspector of Police along with the Police team had went to the scene of occurrence, wherein, they found that accused were in illegal possession of 60 grams of Methamphetamine. The respondent have arrested the accused persons and seized the contraband under the cover of seizure mahazar and registered a case in Crime No.148 of 2023 under Sections 8(c) r/w 22(c), 25, 29(1) of NDPS Act. Hence the case.



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3. Learned counsel appearing 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 similarly placed co-accused in this case have been granted bail by this Court in Crl.O.P.Nos.9526 & 8718 of 2023 vide orders dated 21.04.2023 & 28.04.2023. He also submitted that the petitioner is in custody from 14.03.2023 and he is ready to abide by any stringent conditions that may imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The respondent Police has filed a detailed counter and the overt acts of each accused is stated hereunder:

<i>S.No.</i>	<i>Accused</i>	<i>Contraband Seized</i>	<i>Commercial/ Non-Commercial</i>	<i>NDPS Schedule No.</i>	<i>Chemical Report</i>
1.	Raj Kumar/A1	Nil	----	----	----
2.	Chandra Sekar/A2	Nil	----	----	----
3.	Deepan/A3	Nil	----	----	----
4.	Darling Vincent/A4	60 Grams of Methamphetamine	Commercial Quantity	159	Not obtained (Top priority request letter given on 11.04.2023)



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<i>S.No.</i>	<i>Accused</i>	<i>Contraband Seized</i>	<i>Commercial/ Non-Commercial</i>	<i>NDPS Schedule No.</i>	<i>Chemical Report</i>
5.	Vasimraja/A5	Nil	----	----	----
6.	Sowber Sathick/A6	Nil	----	----	----
7.	Venugopal/A7	Nil	----	----	----

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused were found to be in illegal possession of 60 grams of Methamphetamine. He further submitted that the respondent have arrested the accused and obtained confession statement from them and the lab report is yet to be received. He also submitted that the contraband was recovered only from the accused A4/ petitioner herein and it is a commercial quantity, thereby, the petitioner has to satisfy the conditions required under Section 37 of the NDPS Act. He also submitted that the petitioners in Crl.O.P.Nos.9526 & 8718 of 2023 have been granted bail by this Court, since there was no recovery from them. Hence, he vehemently opposed for grant of bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. In view of the above, this Court is of the view that the petitioner is the main accused in this case, from whom, 60 grams of Methamphetamine has been seized and only based on his confession, the other accused were arrested and since, there was no recovery from the other accused, some of them have been enlarged on bail. Also, on finding that the alleged contraband recovered from the petitioner is a commercial quantity, the petitioner ought to have satisfied the twin conditions as contemplated under Section 37 of NDPS Act.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the facts of the case, this Court is of the opinion that the petitioner has not satisfied the conditions required under Section 37 of NDPS Act and thereby, this Court is not inclined to grant bail to the petitioner.



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9. Accordingly, this Criminal Original Petition stands dismissed.

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