



Crl.OP.No.12592 of 2023

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G.CHANDRASEKHARAN.J.,

The petitioner, who was arrested and remanded to judicial custody on 29.11.2022 for the offences punishable under Sections 8(c) read with Section 21(c), 28 & 29 of NDPS Act in NCB.F.No.48/1/15/2022-NCB/MDS on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in NCB.F.No.48/1/15/2022-NCB/MDS registered for the offence under Sections 21(c), 28 & 29 of NDPS Act. Petitioner is in Judicial Custody from 29.11.2022. Thus, he seeks bail to the petitioner.

3. In response, learned Special Public Prosecutor strongly opposes the petition on the ground that, the allegations against the petitioner are that, petitioner collected the contraband namely 2kgs of cocaine from one Bruce Henry Van Launn, who was arrested at Arrival Hal, Anna International Airport, Chennai on 29.11.2022. Not only that,



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on search of the petitioner's house at Bombay, 980 grams of Amphetamine in different colours along with 40 grams of cocaine were recovered. During the course of the investigation, it came to light that, petitioner's passport is a fake passport. Investigation in this case is not completed.

4. Considered the rival submissions and perused the records.

The allegations as against the petitioner is that, petitioner in connivance with co-accused had involved in illegal procurement, transportation and sale of commercial quantity of cocaine weighing 2 kg. Not only that, 980 grams of Amphetamine in different colours and 40 grams of cocaine were recovered from the petitioner's house. Information obtained by the respondent shows that, petitioner's South African passport bearing No. 459236799 in the name of Dube Favour does not exist. Similarly, South African passport of the petitioner's wife by name Dube Stella bearing No.459236798 also does not exist.



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5. Thus, it is clear from the materials produced that the petitioner is being prosecuted for illegal procurement, possession and transportation of commercial quantity of narcotic substances. Petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

03.07.2023

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