



Crl.OP.No.14093 of 2023

Crl.O.P.No.14093 of 2023

G.CHANDRASEKHARAN. J.

The petitioners namely Samsudeen and Asain, who were arrested and remanded to judicial custody on 20.05.2023 for the offences punishable under Sections 9(A), r/w 25(A), 25 and 29(1) NDPS Act in Crime No.139 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No. 139 of 2023 for the offences under Sections 9(A), r/w 25(A), 25 and 29(1) NDPS Act. Petitioners are charged for the possession of 100 kgs of Pseudoephedrine, without any proper licence. It is further submitted that, 2nd petitioner is a lorry driver and he is no way responsible for the packet entrusted to him for transporting. Petitioners are in judicial custody from 20.05.2023. Thus, he prays for grant of bail.

3. The learned Government Advocate (Crl. Side) opposes this petition, on the ground that, as per Section 9A of the NDPS Act, Central Government has power to control and regulate controlled substances. As per Section 9A (2), an order made thereunder may provide for regulating by licences, permits or otherwise, the production, manufacture, possession, transport, import inter-State, export inter-State, sale, purchase, consumption, use, storage, distribution, disposal or acquisition of any controlled substances. The controlled substances cannot be



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possessed without any valid licences. The controlled substance cannot be used for the purpose of preparing narcotic drugs and psychotropic substances. The fact that, petitioners were found in possession of Pseudoephedrine, without any licence, amounts to commission of offence under Section 25A of NDPS Act. He further submitted that, investigation is still pending and chemical analysis report is not received yet. Therefore, he prays for dismissal of this bail petition.

4. Considered the submissions and perused the records.

5. It is seen from the first information report allegations that, on 20.05.2023, on a secret information received, at about 6.45 a.m., respondent police found 4 persons in 2 two wheelers with white sacks. After following necessary procedure, search was conducted. Accused Prakash produced two white sacks from his two wheeler bearing No.TN 20 CQ 6842. On opening the sack, respondent police found 50 kgs Pseudoephedrine. At 8.40 a.m., Samsudeen produced two sacks from two wheeler bearing No.TN 05 BE 0855. On opening the sacks, respondent police found 50 kgs of Pseudoephedrine. Samples were taken. Cell phones Redmi, Vivo, Lava and two wheelers were seized from the accused.

6. Thus, it is clear from the first information report that, all the accused



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were found in possession of Pseudoephedrine controlled substances, without any proper licence. As per the submission of learned Government Advocate (Criminal side), chemical analysis report is not received and investigation in this case is not completed.

7. In such circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

10.07.2023

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