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Crl.O.P.No.15940 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Zainabbu Namuddu, who were arrested and remanded to judicial custody on 03.12.2022 for the offence punishable under Sections 8(c) r/w Sections 21(c), 28 and 29 of the NDPS Act in R.R.No.56 of 2022 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in R.R.No.56 of 2022 for the offences under Sections 8(c) r/w Sections 21(c), 28 and 29 of the NDPS Act. He further submitted that, petitioner is just a friend of 2nd accused namely Dube Favour @ Abera Ature Oga @ Aloba Anthony. She visited Chennai on his invitation, only to meet him and spend some time in Chennai. She has absolutely no knowledge about the transaction between the 1st and 2nd accused. Petitioner is in judicial custody from 03.12.2022. Thus, he seeks for grant of bail to the petitioner.

3. Learned Special Public Prosecutor submitted that, it is case involving illegal possession and transportation of 2 kgs of cocaine. The



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respondent officer received information that, 2 kgs of cocaine is being transported by one Bruce Henri Van Laun on 29.11.2022 at Arrival Hall, Anna International Airport, Chennai. Accordingly, the cocaine was seized from the possession of Bruce Henri Van Laun. The NCB team and Bruce Henri Van Laun proceeded to Hotel Joyce, Chennai, where a room was booked for him for the purpose of delivering the seized contraband. As per the information revealed by Bruce Henri Van Laun, two persons named Dube Favour @ Anthony Ebere and Zainabu Namuddu reached the Hotel Joyce, Chennai. At that time, officers surrounded them. The investigation revealed that, one Nelson from South Africa arranged the seized drug and he is the kingpin of the case. He booked the room for Bruce Henri Van Laun in Chennai and told him to take delivery of seized contraband to Hotel Joyce, Chennai for further delivery. Accordingly, Nelson's associate named Dube Favour contacted his girlfriend Zainabbu Nammudu, who was in New Delhi and informed about the delivery of 2 kgs of cocaine at Chennai. She offered to join him at Chennai. Dube Favour booked flight ticket for Zainabbu Nammudu from New Delhi to Chennai. Both reached Chennai Airport on 30.11.2022 and met each other. As per the plan, both reached the Hotel Joyce, Chennai on the night of 30.11./01.12.2022. They met Bruce Henri



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Van Laun at the Hotel reception and asked about the drug. Thereafter, they were apprehended by the NCB officials.

3.1. It is the further submission of the learned Special Public Prosecutor that, the respondent is still investigating the case. He filed a petition in Crl.M.P.No.3335 of 2023 under Section 36(A)(4) of the NDPS Act seeking further extension of statutory period of investigation for a period of 6 months. Thus, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. In the light of the submissions of the learned counsel for the parties, especially learned Special Public Prosecutor, the fact that, petitioner was found along with co-accused while taking delivery of consignment, this Court is of the view that, there is a serious doubt about the involvement of the petitioner in the illegal drug trafficking. Dube Favour @ Anthony Ebere had alone booked flight ticket to the petitioner. The submission of the learned counsel for the petitioner that, petitioner is innocent and she came to Chennai only to meet her friend



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Dube Favour cannot be accepted at this stage. Investigation is still pending.

Therefore, this Court is of the view that, petitioner has not satisfied the twin conditions under Section 37 of NDPS Act for granting bail to the petitioner.

6. In such circumstances, this Criminal Original Petition is dismissed.

04.09.2023

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