



Crl.OP.No.28877 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 10.04.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii) (c), 23(c), 28 & 29 of NDPS Act, 1985 in C.C.No.256 of 2021 pending on the file of the learned Special Judge-II, Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in respect of RR.No.7 of 2021 NCB.F.No.48/1/04/2021-NCB-MDS, on the file of the respondent, seeks bail.

2. The case of the prosecution is that while the petitioner was waiting in departure lounge, check-in-area, Kamaraj Domestic Terminal, Chennai Airport on 10.04.2021, the respondent intercepted the petitioner and introduced themselves as Intelligence Officer and enquired her whether she is in possession of any prohibited substance and further instructed the Indigo Airlines crews to revert the checked in luggage of the petitioner and on interrogation found a box dumped with gift articles of glass and plastic in that 6 packets each weighing 500 grams packet contains dark brown in colour of substances, believed to be Hashish which came to be seized after checked in luggage and further a voluntary statement was recorded from the petitioner/accused and thereafter seizure was made and 25 grams from each packet taken for samples by the respondent. Hence the complaint.



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3. The learned counsel appearing for the petitioner submitted that false case has been foisted as against the petitioner and she has not committed any offence as alleged by the prosecution. He further submitted that as per the prosecution case, the petitioner was found in possession of 3 kg Hashish oil. Actually, the said contraband was kept in the luggage in a carton box. A3 had given the said box to travel to Sharjah. The petitioner does not know the contents of the carton box. She knows only Tamil. In the seizure mahazar, she signed in Tamil. However, what are all the materials were seized from the petitioner, the same was not explained to the petitioner in Tamil. Though stated that the contents of the Mahazar explained in Tamil, nothing has been whispered in the statement. He further submitted that she is suffering from paralytic and sever health ailments, as such she needs treatment. Further the petitioner was arrested and remanded to judicial custody on 10.04.2021 and incarcerated for the past two years. Hence, he prays for grant of bail to the petitioner.

4. The Special Public Prosecutor for Customs submitted that this is the fourth bail application filed by the petitioner and this Court already dismissed the earlier bail petitions on three occasions. He further submitted that the petitioner was in possession of the seized contraband of 3 kgs of hashish oil and it is a commercial quantity. It was found in a box with gift



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articles of glass and plastic, in that six packets each weighing 500 grams packet contains dark brown in colour of substances deemed to be hashish. In fact, her statement was also recorded as contemplated under Section 67 of NDPS Act, in which she categorically admitted her guilt in procurement, possession and attempted to transport and entering into conspiracy for the illicit trafficking of 3 kgs of hashish. He further submitted that the petitioner will be given proper treatment and hence, he vehemently opposed to grant bail to the petitioner.

5. The petitioner is arrayed as A1 in the present case. Admittedly, the petitioner was found in conscious possession of 3 kgs of hashish oil and it is a commercial quantity. There are materials to attract the offence as against the petitioner herein and the petitioner failed to satisfied the twin conditions under Section 37 of the NDPS Act. Further, this Court already dismissed the earlier bail petitions filed by the petitioner and there is no change in circumstances. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

13.02.2023

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