



Crl.O.P.No.23260 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner who was arrested and remanded to judicial custody on 20.08.2023 originally registered for the offence under Sections 382 of IPC and 8(C) r/w 22(a) of NDPS Act, in Crime No.322 of 2023 on the file of the respondent Police, seeks bail.

2.The petitioner had been taken into custody on.. for the alleged possession of 10 numbers of NITCLAM-10, 100 ml.IP, NITRAZEPAM IP-10 and PHENERGAN VIAL, PENTOZON VIAL 2ml.

3. It is stated that the contraband was psychotropic drugs but on the side of the respondent it is stated that they are controlled substance.

4.The learned counsel states that the petitioner suffers from epilepsy and he consumes the drug to control epilepsy and he is in judicial custody for a period of 53 days. He also stated that the bail application for the petitioner has been dismissed by the learned Sessions Judge on the ground that there are two previous cases against him.

5.The learned counsel however stated that those cases were of the years 2010 and 2012 and the petitioner had been acquitted for all charges.

6.On the side of the respondent, it is stated that the laboratory report is still awaited.

7.When the investigation is pending and it is not known about the nature of the drugs whether it is controlled substance or psychotropic substance, at this stage, this Court is not inclined to grant bail to the petitioner.



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8.Hence, this Criminal Original Petition stands dismissed. If the laboratory report comes out, a fresh application can be filed by the petitioner for consideration.

10.10.2023

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