



CrI.O.P.No. 29623 of 2022

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 14.04.2021 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 23(c), 28 and 29 of NDPS Act in R.R. No.7 of 2021 on the file of the respondent police in N.C.B.F.No.48/1/04/2021/NCB/MDS, seeks bail.

2. The case of the prosecution is that on 09.04.2021, on a secret information in indulging in trafficking of Hashish to Sharjah, thereby procured around 3 kgs. of hashish, which was concealed and kept in a carton box and handed over the same to one Karpagam, resident at Sharjah and also informed that if the carton box is checked, hashish can be recovered from her. Based on the same, when the respondent intercepted her along with his team mounted the surveillance at Kamarajar Domestic Terminal, Chennai Airport, and conducted search on the luggage of her and found a box dumped with gift articles of glass and plastic, in which 6 packets each weighing 500 grams packet contains dark brown in colour of

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substance seems to be 3 kgs. of Hashish. On enquiring her, she revealed that she had received the said purported contraband from A2 on the instructions of this petitioner/A3. Accordingly, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that even according to the prosecution, the case property of 3 kgs. of hashish was not seized from him and the informant also did not say anything about the petitioner's involvement. Furthermore, the allegation against him is that on the request of one Nawas, he had arranged A1 to take the drug in a concealed parcel to Sharjah and forwarded the flight tickets and visa to A1. So, the petitioner is not the owner of drug ceased and end receiver at Sharjah is also not known to him. He would also submit that the expenses and arrangement of flight tickets and visa copies were borne by Nawas and the carton box containing hasish handed over to A1 only by Nana and another. Moreover, A1 never whispered anything about the petitioner's involvement and not even stated that she was arranged by him on behalf one Nawas to act as carrier. He would also submit that on the confession of



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A1, he was implicated as accused in this case and no recovery made from this petitioner. He would submit that the respondent completed the investigation and filed charge sheet before the trial court in C.C.No. 256 of 2021. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would further submit that the petitioner has been suffering incarceration for more than one year from 14.04.2021. He would submit that alleged contraband was seized from A1 Karpagam and not from this petitioner and to that effect, he has produced mahazar. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor for NCB cases appearing for respondent would submit that the weight of contraband seized is 3 kgs. of hashish, which is a commercial quantity. He would submit that the petitioner is arrayed as A3 and A2 aided the above trafficking on the instructions of A3, who has arranged the services of A1 for delivering the seized contrabands of 3 kgs. of Hashish in Sharjah and A2 acted as kuruvi for this petitioner in an earlier occasion also. He would submit that this



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petitioner belong to Telengana and he has arranged money to purchase the contraband. He would submit that now the investigation is completed and the charge sheet filed in C.C.No. 256 of 2021, on the file of II Addl. Special Court for NDPS Cases at Chennai and if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, the petitioner is arrayed as A3 and this petitioner belong to Telengana and he has also arranged money to purchase the contraband. A2 aided the above trafficking on the instructions of this petitioner/A3, who has arranged the services of A1 for delivering the seized contrabands of 3 kgs. of Hashish in Sharjah and A2 acted as kuruvi for this petitioner in an earlier occasion also. Furthermore, the contraband of 3 kgs. of hashish recovered at the time of occurrence, which is a commercial quantity. Considering the above facts and circumstances of the case and the submissions made by both counsel and also considering gravity of offence committed by the petitioner and the contraband seized from the accused person, which is a commercial quantity and the investigation is completed



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and now the charge sheet filed in C.C.No. 256 of 2021, on the file of II Addl. Special Court for NDPS Cases at Chennai and trial would be commenced and also considering the fact that if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

31.01.2023

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