



CrI.O.P.No.1283 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A4 who was arrested and remanded to judicial custody on 15.09.2023 registered by the respondent Police according to the petitioner, for the offences under Sections 22(b), 29(1) of NDPS Act, in Crime No.509 of 2023, seeks bail.

2.The petition itself is not maintainable since the offences had been subsequently altered to Section 8(c) r/w 22(c), 25, 29(1) of NDPS Act. The quantity seized is commercial in nature and not intermediate. Even without giving the correct provision of law, this petition has been filed.

3.The learned counsel for the petitioner stated that the petitioner is an innocent person and that there has been no seizure of contraband from the petitioner herein. But the records speak otherwise.

4.The records point out that 870 nitrazet tablets with 58 tablets containing 15 tablets had been seized from the petitioner herein. It is commercial in nature under NDPS schedule No.221. Further, the records also show that a mobile phone and a motor cycle had also been seized from the petitioner herein. Those facts have not been stated in the petition.



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5.It is the case of the prosecution that the other accused had informed that it is this petitioner, who purchases the Nitrovet tablets, places orders through Whatsapp from Andhra Pradesh and supplies to the other accused. The seized product is commercial in nature.

6.The learned counsel for the petitioner stated that the petitioner actually resides at Sathya Nagar and not at Mullai Nagar, which was what was stated in the records by the respondents. But it must be pointed out that both Sathya Nagar and Mullai Nagar are at MKB Nagar at Chennai, 600038. There may be two different names but both the places are quite proximate to each other. It is also contended that the petitioner had also surrendered along with an Advocate and that there was no seizure at all from the petitioner.

7.But it is the specific case of the respondent that from the petitioner, who had been taken into custody on the basis of confession of A1 to A3, 58 sheets of tablets each containing 15 tablets totally 870 Nitrovet tablets had been seized which is commercial in nature and it is found in NDPS schedule No.221.

8. The learned counsel for the petitioner stated that the petitioner is suffering from serious illness in the jail and not able to walk.



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9.If that be the case, the respondent may give necessary instructions to the Jail Superintendent to provide adequate treatment to the petitioner herein.

10.This Court will necessarily have to keep in mind the mandate of Section 37 of the NDPS Act which stipulates that there must be a reasonable ground for acquittal, that the notice to the Public Prosecutor must be given and there must be no possibility of the accused committing the same offence again.

11. It is stated that the lab report alone is awaited. Let the charge sheet be filed within an outer limit of four weeks and the charges be framed. That would be a significant change in circumstance and thereafter, the application seeking bail can be considered.

12.At this stage, I am not inclined to grant bail to the petitioner.

13.Hence, this Criminal Original Petition is dismissed.

06.02.2024

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