



Crl.O.P.No.2349 of 2024

C.V.KARTHIKEYAN, J.

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The petitioner/A2 seeks bail in Crime No.289 of 2022 registered by the respondent police for the offences punishable under Sections 8(c), 22(c), 29(1) of NDPS Act, 1985.

2. The petitioner was remanded to judicial custody on 06.11.2023 with possession of 60 grams of Methamphetamine which is a commercial quantity.

3. The learned counsel for the petitioner drew the attention of this Court to the order granting bail to A1 by the Crl.No.3833 of 2023 dated 31.08.2023 by the Hon'ble Supreme Court. It had been noted that the quantity of contraband seized from that petitioner/A1 was 6 grams, which is intermediate quantity. Thereafter, the progress of trial had been noted by the Hon'ble Supreme Court and in view of the period of incarceration from 13.11.2022, that petitioner/A1 had granted bail.

4. But, however, no arguments had been advanced before this Court by the learned counsel with respect to Section 37 of NDPS Act. There are conditions stipulated under Section 37 of NDPS Act while examining an application seeking bail. The prosecution should be informed and be heard. In this case, the prosecution



had been served and counter had been filed. The second condition is that reasonable grounds should be recorded by the Court, that the petitioner has a possibility of being acquitted after trial. There are no such grounds raised by the learned counsel in the Court or in the petition. The third condition is that there should not be any possibility for the petitioner to commit the same offence once again.

5. In the counter affidavit, it had been stated that there are three earlier cases against the petitioner under the Immoral Traffic (Prevention) Act, which are pending trial. Thus, even though the petitioner may not be directly involved earlier in any offence under NDPS Act he is involved in offences under Immoral Traffic (Prevention) Act which is also a serious offence.

6. In the counter affidavit, it had been further clearly stated that commercial quantity of Methamphetamine had been seized from the petitioner herein. As a matter of fact before the Trial Court the petitioner herein and A1 and A2 have not yet engaged counsel. This will also indicate that after obtaining bail from the Hon'ble Supreme Court A1 had effectively protracted the trial process by not even engaging counsel. Similarly A3 who had been granted bail had also not engaged any counsel. It is to be noted that from A3, there has been no recovery of any contraband. The specific case of the prosecution is that 60 grams of Methamphetamine had been



Crl.O.P.No.2349 of 2024

recovered from this petitioner which is commercial quantity. Stipulation under Section 37 of NDPS Act had not been addressed by the petitioner either in the open Court or during the arguments or in the petition.

7. Therefore, I find no reason to grant bail o the petitioner. Hence, this Criminal Original petition stands dismissed.

05.03.2024

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