



Crl.O.P.No. 4547 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.03.2024

PRONOUNCED ON : 14.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No. 4547 of 2024

1. Maran

2. Anand

... Petitioners/
Accused Nos.2 & 4

Vs.

State Rep. by
Inspector of Police
T-12, Poonamallee Police
Chennai – 600 123.
(in Crime No. 638 /2023)

... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 438 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No. 638 of 2023 on the file
of the Inspector of Police, T-12, Poonamallee Police Station, Chennai.

For Petitioners : Mr. G.Selvam

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The petitioner/A-2 and A-4 in Crime No. 638 of 2022 registered under Section 8(c), read with 20(b)(ii)(c), 22(c), 29(1), 25 of the NDPS Act, seeks bail.

2. It is the case of the prosecution that the petitioners/A-2 and A-4 were found in possession of 3720 numbers of Nitravet 10 tablets. It is contended by the respondent that the quantities are commercial in nature and therefore, while considering bail, the stipulations under Section 37 of the NDPS Act should be taken into consideration.

3. The learned counsel for the petitioners stated that the first petitioner is a student in a college and that the contraband was not seized from him. He also contended that the quantity of contraband seized was not commercial quantity. The learned counsel therefore sought bail to be granted.

4. A counter affidavit had been filed by the respondent wherein it had been stated that on 11.10.2023, when the Sub Inspector of Police was in



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station duty, he received information about illegal transportation of Narcotic substance and therefore, he had gone to the Poonamallee Bus Stand. Near Royal Bakery, four persons came in a two wheeler bearing registration Nos. TN 12 AQ 7518 and TN 13 Y 1303 respectively. They were intercepted. On searching the accused, they found 124 packets of Nitrovet 10 tablets with each packet contain 30 tablets. The total number of tablets recovered was 3720. They were recovered from accused Nos. 1 and 4. Subsequently, the further procedures were adopted and the accused were also remanded to judicial custody. It had also been stated that the second accused has one previous case against him under IPC cases. It had been contended that if the bail application is considered, the accused would abscond from judicial process.

5. The prime thrust of the contention of the learned counsel for the petitioner is that though 3720 tablets Nitrovet 10 had been seized, they were not commercial quantity. According to the learned counsel, the weight of one tablet is 0.554 mg. It is therefore contended that the total weight of the tablet is $0.554 \text{ mg} \times 3720 = 2060 \text{ mg}$ which is 2.06 grams. The learned counsel further stated that even if each tablet is to weigh 10 mg, the total weight



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would be $10 \text{ mg} \times 3720 = 37200 \text{ mg} = 37.2 \text{ grams}$. It is therefore contended that the total quantity would fall less than 500 grams and would therefore would not qualify as commercial quantity. The learned counsel therefore stated that the petitioners should be granted the benefit of gain.

6. The respondent had produced a report from the Forensic Science Department, Chennai with respect to the contraband seized and forwarded for testing. It had been stated that 30 tablets had been forwarded for testing. Each strip contained 15 white tablets. Each tablet weighed 0.567 grams. This would mean that the net weight of 30 grams was 17.010 grams which would further mean that 3720 tablets would be 2,109.24 grams.

7. The learned Government Advocate (Crl. Side) pointed out that the weight of the total contraband seized is more than 2 kgs which is more than 500 grams which is the bench mark for intermediate and commercial quantities. The learned Government Advocate (Crl. Side) therefore contended that the application seeking bail should be dismissed as no other grounds have been raised.



8. I have carefully considered the arguments advanced.

9. The facts are not in dispute. Both the petitioners were found in possession of 3720 Nitrovet 10 tablets. The Laboratory report states that one tablet weighs 0.567 grams. The learned counsel for the petitioner had however contended that one tablet would weigh 0.554 milligrams. This is not correct. They weighed about $\frac{1}{2}$ of a gram or more precisely 0.567 grams which is less than 1 gram. Then a simple mathematical calculation will give the total weight of 3720 tablets. It would be $3720 \times 0.567 = 2,109.24$ which would further indicate 2 kilos and 109 grams and 24 milligrams. This is the weight of the tablets seized from the accused. This is certainly more than 500 grams and therefore it is commercial quantity. Once it is determined as commercial quantity, then the mandate under Section 37(2) of NDPS Act will have to be followed. There has been no arguments advanced that there are reasonable grounds to hold that the petitioners are not guilty of the offences committed. They were found in possession of the contraband. No procedural irregularity had been pointed out.



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10. In view of these facts, there is no other alternate but to dismiss this Petition. Consequently, this Criminal Original Petition stands dismissed.

14.03.2024

vsg

Index:Yes/No

Neutral Citation:Yes/No

Speaking order : Yes/No

To

1. Principl Special Court
EC & NDPS Act, Chennai.
2. Inspector of Police
T-12, Poonamallee Police
Chennai – 600 123.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

vsg

Pre Delivery Order made in
Crl.O.P.No. 4547 of 2024

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