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Crl.O.P.No.5894 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner (A4) who was arrested and remanded to judicial custody on 03.03.2023 in C.C.No.639 of 2023 pending trial on the file of the Special Court for exclusive trial of Cases under NDPS Act, Chennai, in connection with Crime No.32 of 2023 registered for the offences punishable under Sections 8(c) r/w 22(c), 25 & 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and later it was altered to Sections 8(c) r/w 20(a)(i), 22(c), 25 & 29(1) of NDPS Act, seeks bail.

2. The case of the prosecution is that on 03.03.2023, on receipt of a secret information, the Respondent along with his team, had gone to the scene of occurrence i.e. near Stanley Roundana, wherein, they found that the accused was having illegal possession of 300 Nos. of LSD (Lysergic Acid Diethylamide) Stamps. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and this Court had dismissed the earlier bail application of the petitioner in Crl.O.P.No.9133 of 2023 dated 05.06.2023. He further submitted that the investigation in this case has been completed and the case has also been taken up on the file of the Special Court for exclusive trial of Cases under NDPS Act, Chennai, in C.C.No.639 of 2023. He also submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the reading of the First Information Report would show that there are discrepancies in taking up the samples of the contraband and the respondent has not complied with Section 52 A of the NDPS Act. Hence, he prayed for grant of bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case where the petitioner was arrested along with three other accused for having found in possession of 300 Nos. of LSD (Lysergic Acid Diethylamide) Stamps. He further



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submitted that based on the confession statement recorded from A1, 5 Nos. of Ganja Plants weighing 11.850 kilograms were recovered from the house of A1. He also submitted that in so far as the petitioner is concerned, he was in illegal possession of 50 Nos. of LSD Stamps, which constitute a commercial quantity. He also submitted that this Court, on considering the fact that the contraband involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of NDPS Act, had dismissed the earlier bail application of the petitioner. He further submitted that the investigation in this case has been completed, the case has also been taken up on the file of the Special Court for exclusive trial of Cases under NDPS Act, Chennai, in C.C.No.639 of 2023 and there are 7 witnesses and the case now stands posted to 01.04.2024 for engaging counsel and there is no change of circumstances. He further submitted that as far as the violation of Section 52A of NDPS Act is concerned, it is a matter for trial, which can be adjudicated only by adducing all evidence before the trial Court. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Government Advocate (Crl.Side) that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

25.03.2024

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