



Crl.O.P.No.11003 of 2024

T.V.THAMILSELVI, J.

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This Criminal Original Petition has been filed by the petitioner/A3, who was arrested and remanded to judicial custody on 25.06.2023, seeking bail in N.C.B.F.No.48/1/8/2023-NCB/MDS, registered for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii), 21(B), 22(c), 23(c), 28 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is an auto driver and the respondent had brutally attacked him and forced him to admit that he had involved in drug trafficking. He further submitted that due to the harassment caused by the respondent, the petitioner has also sustained injuries and the petitioner was kept in illegal custody from 23.06.2023 and remanded only on 25.06.2023. He also submitted that even at the time of arrest, no contraband was seized from the petitioner. He further submitted that the petitioner is suffering incarceration from 25.06.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court.



Hence, he sought for bail.

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3. The respondent has filed a detailed counter.

4. Learned Special Public Prosecutor appearing for the respondent submitted that based on the specific information, the respondent has seized 10 gms 2C-B, 3 gms MDMA, 150 gms THC, 156 grams THC (viscous liquid), 168 gms Ganja, 1 gm cocaine, 7 gms LSD (double design), 20 gms LSD (single design and no design). He further submitted that as per the statement recorded from A1, it came to light that 21 consignments of drugs were packed as per the demand of his associates, who placed the order of drugs through dark net, and handed over to the petitioner herein/A3 by A2 for dispatch through India Post and the petitioner booked the consignments through India post, Coimbatore to various places in India such as Chennai, Coimbatore, Bangalore, Cochin and Delhi. Further, several cases were registered in various locations of India by NCB. The confession statements of the accused 1 and 2 would confirm that the postal covers having contraband were booked by the petitioner.

5. He further submitted that the allegation stated by the petitioner about the



mistreatment by the respondent is false and even in the medical examination of the petitioner, no injuries were found. Further, there are enough materials to show that the petitioner was frequently in contact with the other accused in this case, which shows his active involvement. He also submitted that the seized contraband in this case is under the purview of Commercial Quantity, therefore, Section 37 of NDPS Act gets attracted and the petitioner has to satisfy the twin conditions, whereas, the petitioner herein has failed to satisfy the twin conditions laid down under Section 37 of NDPS Act, hence, the petitioner is not entitled for bail.

6. He further submitted that the charge sheet has been filed in this case and the case was also taken up for trial in C.C.No.20 of 2024 on the file of the Additional District Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Coimbatore. He also submitted that charges were framed and the case now stands posted for engaging counsel, therefore, if the petitioner is released on bail, there is every possibility of him absconding and may hamper the evidence and evade from the trial proceedings. Hence, he opposed to grant bail to the petitioner.

7. Heard both sides and perused the materials available on record including the counter filed by the respondent.



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Crl.O.P.No.11003 of 2019





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Crl.O.P.No.11003 of 2024



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8. Taking into consideration the facts and the submissions made by the learned Government Advocate (Criminal Side) and taking note of the fact that the alleged contraband recovered from the petitioner is a commercial quantity and he has not satisfied the twin conditions required under Section 37 of NDPS Act and also considering that the trial has been commenced, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as early as possible.

23.07.2024

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