



Crl.O.P.No.13877 of 2024

T.V.THAMILSELVI, J.

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This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 14.05.2023, seeking bail in N.C.B.F.No.48/1/5/2023-NCB/MDS, registered for the alleged offences punishable under Sections 8(c) r/w 22(c), 28 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was arrested only based on the confession statement recorded from the first accused and there is no recovery from the petitioner herein. He also submitted that other than running a shop at bazaar, there is no connection between the first accused and the petitioner. He further submitted that the petitioner is suffering incarceration from 14.05.2023, even after completion of investigation and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he sought for bail.

3. The respondent has filed a detailed counter.



4. Learned Special Public Prosecutor appearing for the respondent submitted that the accused were found to be in illegal possession of 2 kilograms of Methamphetamine, which is a commercial quantity. He further submitted that at the time of seizing, both the accused were present at the first accused's house and they are well known to each other and involving in drug trafficking for making illegal money. 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.

5. 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.580 of 2024 on the file of the Principal Special Court for EC and NDPS Act Cases, Chennai. 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.



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

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7. Taking into consideration the facts and the submissions made by the learned Special Public Prosecutor 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 case has been taken up for trial, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as early as possible and the petitioner is also directed to engage a counsel before the trial Court and shall co-operate for trial proceedings, without taking any unnecessary adjournments.

23.07.2024

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