

**CrI.O.P.No.14441 of 2024****T.V.THAMILSELVI, J.**

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 19.11.2023, seeking bail in RR.No.58 of 2023 registered for the alleged offences punishable under Sections 8(c) r/w 22(c), 23(c), 28 and 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 is no way connected with the alleged offence. He further submitted that the investigation in this case has been completed and the charge sheet has also been filed, which was taken up on file in C.C.No.516 of 2024, whereas, the petitioner has been suffering incarceration from 19.11.2023. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, hence, he sought for bail.

3. Learned Special Public Prosecutor for NCB cases submitted that based on the specific information about trafficking of narcotic substances, the respondent conducted a search in Egmore Railway Station on 17.11.2023, during which, they found that the petitioner was found to be in illegal possession of 3.056 kilograms of Methamphetamine, which is a commercial quantity. He further submitted that no



previous case is pending against the petitioner and further, since the seized contraband is a commercial quantity, 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. Further, the application for bail filed by the co-accused has also been dismissed with a direction to the learned trial Judge. Therefore, the petitioner is not entitled for bail.

4. He further submitted that the charge sheet has been filed in this case and the case was taken up for trial in C.C.No.516 of 2024 on the file of the Principal Special Court under EC and NDPS Act, Chennai. The case now stands posted for framing of charges and therefore, if the petitioner is released on bail at this stage, there is every possibility of him absconding and not available for trial proceedings.

5. The respondent has filed a detailed counter.

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

7. Taking into consideration the facts and the submissions made by the learned Special Public Prosecutor for NCB cases and taking note of the facts that



the seized contraband is a commercial quantity and the petitioner 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 take steps to complete the trial as expeditiously as possible and strictly comply with the order passed by this Court in CrI.O.P.No.11119 of 2024 dated 09.07.2024.

12.07.2024

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