



Crl.O.P.No.15986 of 2024

T.V.THAMILSELVI, J.

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The petitioner/A2, who was arrested and remanded to judicial custody on 27.09.2023, in RR.No.20 of 2023 on the file of the respondent police, registered for the alleged offence punishable under Section 8(c) r/w 22(c) of NDPS Act, 1985 seeks bail.

2. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that he was originally arrested by the T5 Kunderathur Police on 02.09.2023 for an offence under Section 8(c), 20(b)(ii)(B) and 29(1) of NDPS Act in Crime No.474 of 2023 and in the present case, he was formally arrested and taken into custody on 27.09.2023, as if he, along with other accused was illegally transported 1.110 grams of LSD. He further submitted that he is ready to abide any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that based upon specific information on



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23.06.2023 the offices of NCB, Chennai Zonal Unit seized a thick multi colored square shaped designed paper beloved to be Lysergic Acid Diethylamide(LSD) weighing 1.110 grams at West Mambalam Sub Post Office, 3rd Main Road, Postal Colony, West Mambalam, Chennai, concealed in the India Post tracking No.ET586713662IN dispatched from Coimbatore to one person named Akash, R/o 45/18, Srinivasa Iyer street, West Mambalam, Chennai and the same was seized in the presence of witnesses. The entire contraband was also seized by the respondent.

4. He further submitted that during the course of investigation, it is came to know that the accused named Akash was arrested and sent to judicial custody on 02.09.2023 in Kundrathur Police Station in Crime No.474 of 2023 for the seizure of 1.5 kgs of ganja. Subsequently, enquiry was conducted on 27.09.2023, on enquiry it reveals that he was indulged in Drug trafficking by using fake/fabricated ID proofs with his friends for a past while. Based on his voluntary statement, he was arrested for the offence under Section 8(c) r/w 22(C) of NDPS Act, 1985 as amended and punishable under Section 8(c) r/w 22(C) of NDPS Act. He further submitted that the investigation in this case was completed and at this stage, if the petitioner is enlarged on bail, it may adversely affect



the trial progress, and misuse his liberty to commit similar offence again.

However, he opposed for the grant of bail to the petitioner.

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5. Considering the grave nature of offence and also considering the facts and circumstances of the case and also taking note of the fact that the seized contraband is of commercial quantity, and hence Section 37 of NDPS Act attracts and the petitioner has to satisfy the twin condition of Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

16.07.2024

drl

T.V.THAMILSELVI, J.



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