



Crl.O.P.No.19313 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 04.07.2021, for the alleged offence under Sections 8(c), r/w 20(b)(ii)(c), 28, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in C.C.No. 244 of 2021 on the file of 1st Addl. Special Judge, Special Court under Exclusive Trial of case under NDPS Act, Chennai, seeks bail.

2. Learned counsel appearing for the petitioner submitted that the present bail petition is filed as per the order of the Hon'ble Supreme court in SLP(Crl.) Diary No.39740 of 2023 as follows:

“The petitioner – Nag Narayana prasad will be entitled to file a fresh application for a grant of bail in case of a change in circumstances / or if the trial gets prolonged due to reasons not attributable to the petitioner or co-accused. If any such application is filed, the same will be considered by law and the Court will also take into consideration the period of incarceration suffered by the petitioner – Nag Narayana Prasad.”

He further submitted that the petitioner is an innocent person and he has



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been falsely implicated in this case, as if the petitioner received two parcels booked by one Amit Kumar Sarki in the airway bill No.30776205611 dated 02.03.2021 have contained material suspicious to be Narcotics Drug. He further submitted that the petitioner is in no way connected with the alleged offence as alleged by the prosecution. He further submitted that the petitioner is suffering incarceration from 04.07.2021 more than 3 ½ years and 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 on a specific information received from Shri.A.Isaac Balasingh, Security Executive in Aranex India Pvt. Ltd that two parcel booked in the name of one Amit Kumar Sarki bearing airway bill No.30776205611, dated 02.03.2021 have contained material suspicious to be Narcotics Drugs and requested NCB officer to take necessary action. The suspect parcel destined Ashraf Molla, I.D.No.29505007710, the consignment is declared to contain Toys. The officer of NCB Chennai reached at the office of Aramex India Pvt. Ltd, Ekkaduthangal, Chennai on 02.03.2021 and seized 4.600 kg of Hashish under the mahazar drawn at the



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spot, Shri.A.Issac Balasingh, informed that the said consignment was handed over to them by Star Aviation and the said Star Aviation have received the parcel from one Dil Express Jhaver Plaza, Ground Floor, 1A Nungambakkam High Road, Chennai. Charge sheet has been filed and already all the witnesses were examined and 313 proceedings also been completed. Therefore, to recall the witnesses, now the case is pending. But suppressing all the facts, the petitioner approached the Apex Court. However, he vehemently opposed for the grant of bail to the petitioner.

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

5. Taking into consideration and the facts reveals that 7 witnesses have been examined, 313 proceedings have been submitted, the quantity of the contraband seized from the petitioner is of commercial quantity, the trial almost completed, and the petitioner hails from Andhra Pradesh, there is a possibility of hampering witnesses and tampering with evidences. Given

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that there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

However, the petitioner is directed to co-operate for trial Court proceedings.

22.08.2024

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