



WEB COPY



Crl.O.P. No.18985 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.18985 of 2024

Ezebuiloh Sunday @ Chukwu,
S/o.Nwalioba Eze

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
NIBCID, Chennai.
[Cr.No.24 of 2023]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.24 of 2023 on the file of the respondent police.

For Petitioner : M/s.Murali Law Firm

For Respondent : Mr. S.Vinoth Kumar
Government Advocate (Crl.Side)



Crl.O.P. No.18985 of 2024

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 20.09.2023 for the offences punishable under sections 8(c) r/w.22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.24 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.09.2023 at about 05.30 hours, the respondent police found the petitioner in illegal possession of 85 grams of Methamphetamine at Chennai Central Railway Station, Wall tax road entrance. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner was arrested and remanded to judicial custody on 20.09.2023 for the offences punishable under Sections 8(c) r/w.22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.24 of 2023. As per the prosecution case, the petitioner was having 85 grams of Methamphetamine at Chennai Central Railway Station, Wall tax road entrance. In fact, the petitioner came to India in medical attender's visa to assist his cousin sister who was taking treatment at Artemis Hospital in New Delhi for abdominal pain and bleeding in uterus. After the treatment, due to shortage of cash,



Crl.O.P. No.18985 of 2024

the petitioner went to Bangalore to meet his cousin brother Godwin for his departure to his country and to exchange currency through money exchange with his help. The petitioner's brother gave one number of his friend namely Chibuzo who already staying in his room. When the petitioner was staying in the room at Bangalore, on 19.09.2023, the respondent police entered into the room and searched the petitioner and they have not seized anything from the petitioner. But, the respondent police seized some contraband from the bag of Chibuzo and the respondent police has instructed the petitioner to call his friend and confirm his arrival to catch him. The said Chibuzo came to room and after seeing the police officials he escaped from the room. Thereafter, the respondent police foisted false case against this petitioner. This petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner is in judicial custody from 20.09.2023. However, the petitioner is ready to abide by any stringent conditions may be imposed by this Court. Hence, he seeks bail to the petitioner.



Crl.O.P. No.18985 of 2024

4. The learned Government Advocate (Crl.Side) would submit that the petitioner was in illegal possession of 85 grams of Methamphetamine for sale to unknown persons and the quantity involved in this case is commercial quantity and the petitioner was arrested on 20.09.2023 at Chennai Central Railway Station, Wall Tax Road entrance and the contraband was only seized from the petitioner. In this case, investigation was already completed and the charge sheet also filed and the case is taken on file in C.C.No.154 of 2024 on the file of the 1st Additional Special Court for EC & NDPS Act Cases, Chennai. Therefore, at this stage, the petitioner has to face the trial. Hence, he opposed to grant bail to the petitioner.

5. Heard both side counsels and perused the materials available on record.

6. Considering the representation made on either side and considering the fact that the quantity of material involved in this case is comes under the commercial quantity and also considering the gravity of offence and other facts, this Court is not inclined to grant **bail** to the petitioner at this stage.



Crl.O.P. No.18985 of 2024

WEB COPY 7. Accordingly, this Criminal Original Petition is dismissed.

05.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gyn



WEB COPY



Crl.O.P. No.18985 of 2024

P.DHANABAL,J.

gvn

Crl.OP.No.18985 of 2024

05.09.2024