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CRL O.P. No.20395 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.20395 of 2024

K. Reena W/o. P. Kalaimani ... Petitioner /Accused No.7

Vs

The Intelligence Officer,

NCB, Chennai.

... Respondent

[C.C. No.547 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 483 of

B.N.S.S., praying to grant bail to the petitioner/Accused in C.C. No.547

of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Ramya

For Respondent : Mr. N.P. Kumar
Special Public Prosecutor.

ORDER

The petitioner/Accused No.7, who was arrested and remanded to judicial custody on 01.01.2024 for the offences punishable under Sections 8(c) read with Section 21(c), 22(C), 28 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 in C.C. No.547 of 2024 on



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the file of the respondent police, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused was found in illegal possession of 11 kgs of Amphetamine. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case for the offences under Sections 8(c) read with Section 21(c), 22(C), 28 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, that she was arrested and remanded to judicial custody on 01.01.2024, that there are violations at the time of arrest and conducting search, that no recovery was made from this petitioner, that the petitioner had only accompanied with her husband, that there is no sufficient proof that she obtained the said contraband, that when she along with her husband went to the hotel for new year celebration, she was arrested and hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the quantity involved in this case is a commercial quantity, that already this Court dismissed the earlier bail application filed by the



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petitioner, that there is no change of circumstances, that since it is commercial quantity, some of the persons involved in this case were summoned and they appeared before the respondent police for enquiry and during the enquiry, it came to know that this petitioner is also involved in the occurrence. Hence, at this stage, the petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the quantity of materials involved in this case is a commercial quantity, that the offences are also grave in nature and the arguments of the learned counsel appearing for the petitioner that there are procedural violations at the time of arrest and search, have to be decided by the Court at the time of trial and not at this stage and also considering the fact that investigation is not yet completed, I am declined to grant bail to the petitioner at this stage.



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7. Accordingly, the Criminal Original Petition is dismissed.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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To

1.The Public Prosecutor, Madras High Court, Chennai.

2.The Intelligence Officer, NCB, Chennai.

3. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J

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