



CrI.O.P.No. 21826 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 27.09.2023 for the alleged offence under Sections 8(C) r/w 22(c) of NDPS Act, pending trial in C.C.No.470 of 2024 on the file of II Addl. Special Judge for NDPS Act Cases, Chennai in R.R.No. 20 of 2023 in NCB F.No.48/1/7/2023-NCB/MDS, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.06.2023, a secret information from a reliable source that a Indian postal parcel having Tracking No.ET586713662IN despatched from Coimbatore, which is suspected to contain narcotic substances and it is addressed to one Akash, No.45/18, Srinivasa Street, West Mambalam, Chennai-33. Accordingly, the respondent police went to the spot on 23.06.2023 at about 09.30 hours and enquired the post man Mohan about the said information. Then Mohan



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informed that the said parcel was not delivered as he went two times, but no such person available in the mentioned address. However, the post assistant informed that one unknown person enquired about the parcel on 20.06.2023 and informed that the parcel contains some college admission documents, which belongs to his friend Akash and he gave one mobile number 8939477636 of Akash and left the post office immediately. Thereafter, the Postman Mohan dialed to Akash from his mobile number and enquired about the parcel, in reply, the petitioner Akash confirmed that the parcel indeed sent to him and he will personally collect the parcel. But, he has not approached the post office and the parcel was handed over to one Narendran, JIO. On examination of parcel, the shippers address was given as “Global Wisdom Centre, Coimbatore”. When the parcel was opened they found a small a small aluminum foil found inside the polythene cover and opening on that, a thick multicoloured square shaped designed paper believed to be LSD was found. That paper was divided into 100 parts and weighed about 1.100 grams. Thereafter, it was seized and marked as P1 and the aluminum foil polythene cover, one folded paper, green colour paper was marked as P2. Since the addressee was not found in the address



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mentioned in the envelope, during investigation, it came to know that the person viz., Mohammed Fawaz in connection with the other NCB case, he gave his voluntary statement that the said drug consignment was booked by him for this parcel to one Akash (petitioner). He further informed that after contacting him through phone in darknet and ordered 100 blots of LSD and this mobile number matches with the accused person viz., Aakash in this case. Accordingly, the said Aakash, petitioner herein was arrested by the Kundrathur police, Chennai in Crime No. 474 of 2023 under Sec.8(c), 20(b)(ii)(B), 29(1) of NDPS Act and remanded to judicial custody in Central Prison, Puzhal on 02.09.2023. The respondent police after getting permission from the concerned court, Akash was enquired on 27.09.2023 in the presence of jail authority and his statement was recorded and on getting PT warrant from the concerned court, he was remanded to judicial custody in R.R.No. 20 of 2023.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence nor he involved in ordering any LSD from A1, since he was already in judicial custody in Crime No.474



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of 2023. He would submit that he was not aware of the alleged contraband.

He would submit that though the parcel was addressed to him, it was not given to him and his address was abused by one of his friend, due to previous enmity. He would also submit that there is no recovery from him and without proper enquiry, he was implicated in this case. He would submit that the petitioner is doing Event Management as a freelancer and he already worked at Omega Health care from 2021 to 2022. He was not aware of A1 and even the alleged parcel was ordered in the name of petitioner through darknet, but he was not aware of all those transactions. He would also submit that this is the second petition seeking for bail and he is in judicial custody for more than one year one month from 27.09.2023, but there is no progress in the trial. He would submit that the investigation is almost completed and he would abide by any condition that may be imposed by this court. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent raised strong objections stating that a Indian postal parcel having tracking No.ET586713662IN despatched from Coimbatore is suspected to contain substantial quantity of narcotic substances and it is addressed to one Akash,



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R/o.45/18, Srinivasa Street, West Mambalam, Chennai and an unknown person has given his mobile number with the postal authority and thereafter, the postal authority enquired the identity of Aakash and informed about the parcel addressed to him. But, the said parcel was not immediately collected and the authorities concerned, on search having found that small aluminum foil inside the polythene cover designed paper believed to be LSD and that papers was divided into 100 parts and weighed about 1.100 grams and the same was produced before the court as per manner known to law. Furthermore, as per the confession given by Mohammed Fawaz, he booked nearly about 21 consignments to various persons in the month of July in the name of individuals. As per the contentions detailed in the counter of learned Special Public Prosecutor, it reveals that the consignment made by the petitioner as well as consignment numbers is also found. According to the prosecution, as per the confession of Mohammed Fawaz, he had sent 100 blots of LSD to a person named Aakash, petitioner herein, who contacted him over Darknet and his mobile No. 8939477636, which matched with the accused person Aakash, petitioner herein. Therefore, the petitioner was actively participated in the said offence. Furthermore, on



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20.06.2023 this petitioner called his friend C.Parthasarathy and told him to collect the parcel, thereby he enquired about the parcel, to that effect, CDR was also produced. On enquiry he found that a SIM card was in the name of Rakku and when she was called upon for enquiry, she has stated that she is not aware about the same and she is an illiterate and the alleged SIM card stand in her name, who bought her phone number without her knowledge. So, the prosecution submits that on the contraband purchase made by the petitioner through Darknet, he has also actively involved in the alleged offence. Hence, he prayed to dismiss this petition.

5. By way of reply, the learned counsel for petitioner would submit that as per the confession statement of the petitioner, he was doing Event management as a freelancer and already worked at Omega Helath Care and he had also friendship with one Deepak Babu, who used to send LSD and MDMA to his various customers through tile shop and when there was a dispute in bringing ganja. So, the said Deepak Babu had informed to the police. So, he was remanded to judicial custody in the criminal case. So also, the said Deepak Babu, who booked the LSD parcel in the name of



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accused and he is not aware of the alleged parcel nor other accused.

Therefore, the learned counsel would submit that the name of petitioner was abused by his friend Deepak Babu and he was not aware of the alleged drugs, since he was already detained in another crime number.

6. On considering submissions on the side of prosecution, as per the statement of Mohammed Fawaz, he had received call from the petitioner and on that basis, he has sent the parcel and telephone numbers are furnished by A1 is matched with the petitioner's number. Moreover, the seized contraband is a commercial quantity of LSD and this petitioner also enquired about the parcel through his friend and a sim card also stand in the name of Rakku, who gave statement that she is not aware of sim card, her name is abused. So, it shows that the prosecution had sufficient materials to remand the petitioner to judicial custody and it is a commercial quantity. Moreover, he was involved in such offence and the petitioner has to satisfy the twin condition of Sec.37 of NDPS Act, that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail, but the petitioner has failed to



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satisfy the conditions laid down under Sec.37 of the Act. Furthermore, on considering the fact that investigation is still pending and if he is released on bail, there is possibility of tampering the witnesses and hampering the investigation. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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