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CRL O.P. No.23331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.23331 of 2024

R. Rakesh S/o. K. Ravichandran ... Petitioner /Accused-2
Vs

State represented by:-

The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit, Chennai.
[NCB No.48/01/08/2023]

.... Respondent / Complainant

PRAYER: - The Criminal Original Petition is filed under Section 439 of Criminal Procedure Code praying to grant bail to the petitioner/Accused in NCB No.48/01/08/2023 on the file of the respondent police.

For Petitioner : Mr. N. Manokaran

For Respondent : Mr. N.P. Kumar,
Special Public Prosecutor,
for NCB Cases.

ORDER

The petitioner / Accused-2, who was arrested and remanded to judicial custody on 24.06.2023 for the offences punishable under



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Sections 8(c) r/w 20(b)(ii)(A), 21(B), 22(c), 23(C), 28 & 29 of NDPS Act
in NCB No.48/01/08/2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent police have seized 10 gms 2 C-B, 3 gms MDMA, 150 gms THC, 156 gms THC (Viscous liquid), 168 gms Ganja, 1 gm Cocaine, 7 gms LSD (double design), 20 gms LSD (single design and no design) at K R Engineering Works / K R Kwaliti Racks, Bharathi Street, Chinnavedampatti, Coimbatore on 22/23.06.2023 and arrested the accused1. Hence the case.

3. The learned counsel for the petitioner would contend that this petitioner has been falsely implicated in this case for the offences under Sections 8(c) r/w 20(b)(ii)(A), 21(B), 22(c), 23(C), 28 & 29 of NDPS Act and there are so many violations in compliance of mandatory procedures under Sections 42 and 47 of NDPS Act. Even as per the prosecution, this petitioner was not found in possession of any contraband and there is no previous case pending against this petitioner and he is in custody from



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24.06.2023. Hence, he prayed that the petitioner may be released on bail.

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4. The learned Government Advocate (Criminal Side) would submit that this petitioner was found with illegal possession of contraband. The quantity of contraband is a commercial quantity and already this Court dismissed the earlier bail application and there is no change of circumstances and hence he strongly opposed to grant bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the fact that the quantity of contraband involved in this case is a commercial quantity, considering the fact that already this Court dismissed the earlier bail application filed by the petitioner and there is no change of circumstances and as far as non-compliance of mandatory provisions under NDPS Act is concerned, it is to be decided at the time of trial and considering the gravity of offences, I am not inclined 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 Additional District Judge / Presiding Officer, Court for Essential Commodities Act Cases, Coimbatore.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Intelligence Officer, Narcotic Control Bureau, Chennai Zonal Unit, Chennai.
4. The Superintendent of Police, Central Prison, Coimbatore.

P.DHANABAL,J

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