



Crl.O.P.No.23441 of 2024

T.V.THAMILSELVI, J.

This Criminal Original Petition has been filed by the petitioner/A3, who was arrested and remanded to judicial custody on 24.11.2023, seeking bail in C.C.No.103 of 2024 pending trial on the file of the Principal Special Court under EC & NDPS Act cases, Chennai, in connection with Crime No.621 of 2023 for the alleged offences punishable under Sections 8(c), 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Learned counsel appearing for the petitioner submitted that this is the second bail petition and the earlier petition was dismissed by this Court in Crl.OP.No.16135 of 2024 dated 22.07.2024. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement recorded from the other accused. He also submitted that the petitioner is no way connected with the alleged offence and the investigation in this case is also completed, however, the petitioner has been in custody from 24.11.2023. He further submitted even as per the prosecution, the alleged contraband recovered from the petitioner/A3 herein is only about 25.93 grams of Methamphetamine, which is an intermediate quantity and further, the similarly placed co-accused have also been released on bail by this Court. He also submitted that the petitioner, against whom, there is no previous case registered for the offence under NDPS Act, is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for bail.



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3. The respondent has filed a detailed counter.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police raised objection stating that, the accused were found to be in illegal possession of narcotic substances and from them, totally 54.93 grams of Methamphetamine was recovered, which is a commercial quantity. He further submitted that the case was taken up on the file of the Principal Special Court under EC & NDPS Act cases, Chennai, in C.C.No.103 of 2023, which now stands posted for serving copies. He also submitted that the petitioner/A3 is a habitual offender against whom, 5 previous cases including the cases registered for the offence under Sections 302 and 307 IPC, are pending. Therefore, if the petitioner is released on bail, there is a possibility of him absconding and not available for trial proceedings.

5. Taking into consideration the facts and the submissions made by the learned Government Advocate (Criminal Side) that the case has been taken up for trial and also considering the antecedents of the petitioner, and there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition stands dismissed.

26.09.2024

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