



Crl.O.P.No. 25545 of 2024

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T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 23.11.2023 for the alleged offence under Sections 8(c) r/w 22(C), 23(c), 27(A), 28 and 29 of NDPS Act, pending trial in C.C.No.516 of 2024 on the file of Principal Special Judge, Special Court for Exclusive trial of cases under NDPS Act Cases, Chennai in R.R.No.58 of 2023/F.No.48/1/23/2023-NCB/MDS, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.11.2023, a secret information about the illegal transportation of ganja, the respondent police along with his team intercepted the petitioner at Egmore Railway Station and on search, they found that he was in possession of 3.056 kgs. of Methamphetamine and seized the same. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that this is the second petition seeking for bail. He would submit that there is no recovery from this petitioner and he is an innocent person and he is no way connected with the case. He would submit that he has not at all committed any offence as alleged by the respondent police. He would submit that the investigation was completed and final report was also filed and he would abide by any condition that may be imposed by this court and no previous case pending against him. He would further submit that he is in judicial custody for more than one year from 23.11.2023, but there is no progress in the trial. Hence, he prayed to grant bail to the petitioner.

4. The learned Special Public Prosecutor appearing for respondent by submitting call list, he would submit that he has actively involved in transporting the contraband and he had frequent call with A1. He would submit that A1 used the mobile No.7305177654 for this drug trafficking network and he used that mobile for conversation with one Thameem Ansari @ Thameembhai, who used the number 7871646205, thereby three month reports shows that two numbers belonging to Thameem, who is now absconding and other belong to the petitioner liked in A1 via calls



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frequently. Accordingly, he raised strong objections and submitted that at this stage, if he is released on bail, he would tamper the witnesses and hamper the investigation.

5. On perusal of counter objections submitted by learned Special Public Prosecutor, it reveals that during the course of investigation, it came to light that the petitioner was found in possession of 3.056 of Methamhetamine, which is a commercial quantity. Moreover, due to the discharge petition filed by the petitioner, there is no progress in the trial and by submitting call list, the prosecution convinced the court, he had frequent calls with A1. Furthermore, he has also pointed out that during the course of investigation, it came to light that A1 procured and took possession of 3.056 kgs. of white colour crystalline substance Methamphetamne seized at Egmore Railway Station, Chennai on 17.11.2023 from this petitioner for the purpose of further delivering it to the drug dealer Thameem Ansari @ Thameem Bhai (absconder) based out of Chennai at his own will in order to earn easy money. For the purpose of facilitating these drug transactions, the petitioner used the modus operandi, wherein A2 used to sell the drugs to A1 at location as stated, which was



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used to further get delivered to Thameem Ansari by physically handing over the same for easy and illicit financial gains. Moreover, on referring the seizure mahazar, it revealed that two driving licences were recovered from A1, which are found to be fake with DOI on 23.10.2000 expiring on 04.07.2032. This would clearly indicates that he had intentionally made fake identity proofs to enter into drug trade/business and to escape from the clutches of law. A significant amount of illegal money in form of cash amounting to Rs.50,13,840/- and 6 bars, each weighing roughly 100 gms. of yellow coloured metal believed to be gold recovered from A1's house, which had it root to drug business, which came out to be true as per the statement and revelation made by this petitioner for A1. It would also revealed that on the confession statement of this petitioner, the officials of D.R.I. went to the house of A1 and recovered an amount of Rs.50 crores said to be handed over to this petitioner for the alleged contraband, thereby he has actively participated in the occurrence. The counter objections would also revealed that he was involved in the case of seizure of unaccounted 45.165 kgs. of Ephedrine at a factory owned and run by him named as M/s.Surya Fne Chemicals, Caddapah, Andhra Pradesh, as a result



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of which on 30.07.2016, a case was registered by DRI, Hyderabad and the complaint in S.S.C.No. 86 of 2016 was filed before the trial court, wherein he was found guilty and convicted with a RI of 5 years. So, on considering the facts and circumstances of the case and the submissions made by both counsel, considering the gravity of offence committed by the petitioner and the fact that if at this stage, he is released on bail, he may abscond and there is possibility of tampering the witnesses and hampering the investigation and the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

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