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CRL O.P. No.25447 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.25447 of 2024

C. Sakthivel

... Petitioner /Accused-1

Vs

State represented by:-

The Intelligence Officer,
N-3 Muthialpet Police Station,
Chennai-600 001.

[Cr. No.32 of 2023]

.... Respondent / Complainant

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused-1 in Cr. No.32 of 2023 on the file of the respondent police.

For Petitioner : Mr. M.G. Martin Manivannan

For Respondent : Mr. S. Vinoth Kumar,
Government Advocate
(Criminal side)

ORDER

The petitioner / Accused-1, who was arrested and remanded to judicial custody on 03.03.2023 for the offences punishable under



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Sections 8(c) r/w 22(c), 25 & 29(1) of NDPS Act 1985 and altered to Sections 8(c) r/w 20(a)(i), 22(c), 25 & 29(1) of NDPS Act in Cr. No.32 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 03.03.2023 at about 10 hours, based on the secret information, the respondent police along with team went to the scene of occurrence near Stanley Rountana, Chennai, wherein conducted vehicle chekcup and at that time, they found A1 and A2 came there in Honda Civic Car bearing registration No.TN09-BA-6969 and A3 & A4 in a two wheeler bearing Registration No.TN04-AZ-2869 and they were found in possession of LSD Stamp 300. 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 22(c), 25 & 29(1) of NDPS Act 1985 and altered to Sections 8(c) r/w 20(a)(i), 22(c), 25 & 29(1) of NDPS Act and this petitioner has been arrayed as A1in this case and the petitioner is



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working in an IT company. No contraband was seized from this petitioner and he was not arrested by the respondent police as an accused.

Investigation is completed and already this Court directed the trial Court to complete the trial within 4 months from the date of receipt of a copy of the order dated 10.06.2024 in Crl.O.P. no.9378 of 2024, but still the trial has not been commenced and there are so many violations while drawing samples and sending the same to the chemical analysis and there is no previous case pending against this petitioner. Hence, he prayed that the petitioner may be released on bail.

4. The learned Government Advocate (Criminal Side) would submit that the quantity of materials involved in this case, is a commercial quantity and the entire contraband was recovered from this petitioner A1 and A2, who purchased the same from A3 and A4. The accused were arrested and investigation was also completed and this Court already dismissed the earlier bail application filed by the petitioner. There is no change of circumstances. Now the trial is in progress. The case is posted for framing of charges and the petitioner



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has not complied with the conditions under Section 37 of NDPS Act and hence he strongly opposed to grant bail to the petitioner.

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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 and now the case is posted for trial and the arguments of the learned counsel appearing for the petitioner that there are some procedural violations in drawing the samples of materials and sending the samples for analysis and the said argument can be considered before the trial Court at the time of arguments and considering the fact that already this Court dismissed the earlier bail application filed by the petitioner and there is no change of circumstances, I am not inclined to grant bail to the petitioner at this stage.

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 Principal Special Judge, Special Court for Exclusive trial of Cases under EC & NDPS Act.
- 2.The Public Prosecutor, Madras High Court, Chennai.
- 3.The Intelligence Officer, N-3 Muthialpet Police Station, Chennai-600 001.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai.

P.DHANABAL,J

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