



Crl.O.P.No.28604 of 2024

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A.D.JAGADISH CHANDIRA, J.

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.07.2024 seeking bail in R.R.No.39/2024 in NCB F.No.48/1/17/2024/NCB/MDS registered for the offence under Sections 8(c) r/w 21(c), 23(c), 28 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2.The case of the prosecution is that on 02.07.2024 on specific information when the petitioner was intercepted at the International Airport, he was found in possession of 1 kgs of cocaine. Hence, the case.

3.Learned counsel for the petitioner would submit the petitioner is an innocent person and a false case has been foisted against her. The petitioner was working as a private English Teacher in a Capetown. While she was travelling to India, her friend had handed over a bag to her and the petitioner innocently carried and later it is believed to be 1 kg of cocaine.



Crl.O.P.No.28604 of 2024

4.The learned Special Public Prosecutor appearing for the respondent filed a counter and would submit that the petitioner is a South African National, she has come to India and at the Airport, she was found to be in possession of cocaine which is a commercial quantity. He would submit that the investigation is pending and the petitioner has to satisfy the conditions required under Section 37 of the NDPS Act for grant of bail.

5.Heard the Legal Aid Counsel appearing for the petitioner, the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.

6.Taking into consideration the fact that the petitioner is a foreigner and that she has been arrested with 1 kg of cocaine at the Airport and no other material having been shown to satisfy Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed for the present.

25.11.2024

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Crl.O.P.No.28604 of 2024

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