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Crl.O.P.No. 27374 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks bail in Crime No.94 of 2023 registered by the respondent police for the offences punishable under Sections 8(c), r/w 22(b), 25 of NDPS Act altered to 8(c), r/w 22(c), 25 of NDPS Act.

2. Originally, A1 was arrested on 10.06.2023 with possession of 20 kgs of cocaine. It is stated that there are two absconding accused namely Singh and Shyam and there was no mention about this accused. This particular fact was pointed out by the learned counsel for the petitioner. This particular petitioner, whose name is Destiny seems C.Samuel was independently arrested on 19.06.2023 in Crime No. 239 of 2023 with possession of 4.34 grams of contraband. Looked at individually, the quantity was non commercial quantity and can also be considered as intermediate quantity.



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3. Thereafter, A1 had been arrested on 11.07.2023 and was taken into police custody and he gave a confession statement. Based on that A2 was arrested and 5 grams of Cocaine and 41 Estasy pills were recovered from him.

4. The learned counsel for the petitioner stated that in the F.I.R there are no details as to how the respondent had given the names of Singh and Shyam, since those names are not stated anywhere in the complaint. He further stated that the petitioner has been implicated only on confession of A2 and also pointed out that a confession is a weak piece of evidence and unless there is recovery, it cannot be admissible and in the instant case, there has been no recovery of contraband from this petitioner. Only the name of the petitioner alone was disclosed in the confession. He further stated that since the name Shyam has been registered in the F.I.R, taking into consideration the similarities of the name of this petitioner. Destiny C.Samuel and probably reducing his name as Sam and making it equivalent to Shyam, the respondent has taken this petitioner into custody. It is contended that this petitioner is an



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independent person and he is an Indian and only his parents are from Nigerian. The learned counsel for the petitioner also produced the Aadhar Card issued by the Government of India and it is also stated that he was born in K.K.Nagar in Chennai and that therefore, there is no possibility for absconding.

5. In the counter affidavit filed by the respondent it has been stated that during the course of investigation based on confession of A1, A-2/ Jasbir Singh Anand was arrested on 11.07.2023 with possession 5 grams of Cocaine and 41 Estasy pills. Thereafter, on the confession of both A1 and A2, this petitioner/A3 who was already under arrest in Crime No.239 of 2023 before the PEW was secured into custody. It had been stated that charge sheet has been filed against the accused in Cr.No.94 of 2023 u/s 8(c) r/w 21 (b),22(c),25,29(1) of NDPS Act before the Principal Special Judge Special Court under EC and NDPS Act cases, Chennai

6. Taking all the above factors into consideration at this stage, I am not inclined to grant bail. But, let the charges be framed and let this aspect of the petitioner that the petitioner is implicated only based on the



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confession of A2 also be pointed out to the learned Sessions Judge and then the nature of charges framed be examined. This Criminal Original petition stand dismissed.

08.01.2024

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