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Crl.O.P.No.29229 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.29229 of 2024

1.Karthik @ Pura Karthik

2.Abdul Kareem

... Petitioners

Vs.

State Represented by,
The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.

Crime No.295 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioners on bail in Crime No.295 of 2024, on the file
of the respondent police.

For Petitioners : Mr.D.Padmanabhan

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioners/A1 & A3, who was arrested and remanded to



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judicial custody on 15.06.2024, for the alleged offence punishable under Sections 8(c), 22(c), 29(1) of NDPS Act, in Crime No.295 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.06.2024, based on the secret information about illegal transport of tablets, the respondent and his team went to the place of occurrence, during which, they found that the petitioners along with other accused persons is in possession of Nitrovet Tablets – 10mg (960 tablets), weighing 537.6 grams. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submitted that the similarly placed co-accused in this case have been granted bail by this Court. He further submits that the petitioners were arrested and are in judicial custody from 15.06.2024 and are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are totally 11 accused in this case and the petitioners herein are ranked as A1 and A3; that based on the secret information about illegal transport of tablets products, the respondent and his team went to the place of occurrence, during which, they found that the petitioner along with other accused persons were found in possession of 960 nitravet tablets, weighing 537.6 grams, which is a commercial quantity. From the confession of A1, A2 and A4, A9 is an accused; it was revealed that A1, A2 and A4 colluded each other and planned to buy Nitravet tablet, for which they approached A10 and transferred Rs.70,000/- to A10 Bank account. Thereafter, A10 transferred money to A11 through Gpay number and after receiving the money, A11 gave the contraband to petitioners/A1, A2 and A4. Thereafter, all the accused colluded together and separated the contraband and illegally sold it for their personal gain. He further submitted that as per the Forensic Sciences Department, each tablet weighs 0.570 grams; that the first petitioner has 12 previous cases, including 1 murder case and 3 NDPS case and the second petitioner/A3 is concerned, having 13 previous cases, including 3 murder case and 2 NDPS cases. However, he vehemently opposed to grant bail to the petitioners.



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5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel and as per the Forensic Lab report, each tablet weighs 0.570 grams, that the first petitioner/A1 possessed 960 tablets and the second petitioner/A3 possessed 1025 tablets and all these contraband comes under the commercial quantity, and the petitioners have many previous cases, including NDPS cases against them, while granting bail to the co-accused, the Forensic Lab report was not obtained, and as per the FIR, this Court calculated each tablet as 10 mgs, but now as per FSC report the quantity is commercial in nature, and considering the gravity of the offence, at this stage, it is not appropriate to consider the bail application of the petitioner. Hence, this Criminal Original Petition is dismissed.

16.12.2024

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P.DHANABAL, J.

drl

To

- 1.The Inspector of Police,
H-3, Tondiarpet Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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