



Crl.O.P.No.28640 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.02.2024

PRONOUNCED ON : 13.02.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28640 of 2023

Arshath

... Petitioner

Vs.

State represented by
The Inspector of Police,
Guduvancherry PEW Police Station,
Chennai.

... Respondent

PRAYER: These Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioner on bail in Crime No.137 of 2023 on the file of the respondent.

For Petitioner : Ms.L.Srileka

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner / accused in Crime No.137 of 2023 registered for the offences punishable under Section 8(c) r/w. Section 22(c) of the Narcotic Drug and Psychotropic Substances Act, 1985 and remanded to custody on 29.04.2023 seeks bail.

2.It is the case of the respondent that they received information on 29.04.2023 that the petitioner is to sell LSD stamps at Varadharajapuram Tollgate, Tambaram, Chennai. Thereafter, the petitioner was arrested and 9 LSD Stamps and one mobile phone were seized and he had been remanded to custody on 29.04.2023.

3.It is the contention of the learned counsel for the petitioner that though the contraband had been seized on 29.04.2023 it had been sent to the Court only on 13.07.2023. It is also contended that, at the time of seizure, the weight of the contraband was noted as 0.19 gram, which is commercial in nature. It is however, contended by the learned counsel that the Court had forwarded the seized material to the Forensic Science Laboratory and a report had been received on 08.08.2023 and in the said report, it had been noted that one sealed paper parcel had been received from the Court



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weighing, 8.3 grams and containing a polythene cover with 9 stamps weighing 0.216 gram of LSD and it had been found that, in the sample, LSD was detected. This report by the Forensic Science Laboratory is dated 07.08.2023.

4.This fact is pointed out by the learned counsel for the petitioner, who stated that there is difference between the quantity seized at the time of arrest and the quantity received by the Forensic Science Laboratory. This is a fact, which can be adjudicated during the course trial.

5.It is the contention of the learned counsel that though the contraband had been seized on 29.04.2023, they had been sent to the Court only on 13.07.2023.

6.A perusal of the records show that the accused had been remanded by the learned Judicial Magistrate, Sriperumbudur and the entire records had been submitted to the said Magistrate Court on 29.04.2023 itself and later after following due procedure, by covering letter dated 03.05.2023, the learned Judicial Magistrate, Sriperumbudur, had forwarded the entire



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records in Crime No.137 of 2023 to the Special Court under EC and NDPS Act, Chennai. Therefore, the statement that the materials had been submitted to the Special Court for EC and NDPS Act, Chennai, only on 13.07.2023 is not correct. The quantity seized is commercial in nature. The investigation has been completed. The petitioner will have to face trial. The charge sheet had been filed on 30.08.2023. I am confident that the learned Principal Special Judge for EC and NDPS Act, Chennai, would take up the case for trial in manner known to law and dispose it of as expeditiously as possible.

7.With the above observations, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

13.02.2024

smv

Index : Yes / No
Neutral Citation : Yes / No
Speaking order : Yes / No

To



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- 1.The Special Court For Exclusive Trial under EC & NDPS Act, Chennai.
- 2.The Inspector of Police,
Guduvancherry PEW Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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