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CrI.O.P.No. 28998 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A2 seeks bail in Crime No.149 of 2023 registered by the respondent police for the offences punishable under Sections 8(c) r/w 22(c), 25 and 29(1) of the NDPS Act.

2. It is contended by the learned counsel for the petitioner that the contraband namely 23.900 grams of MDMA drug which is commercial quantity had been seized only from A1. It is also pointed out that the petitioner/A2 had been in judicial custody for more than 100 days.

3. A counter affidavit had been filed on behalf of the respondent that the petitioner along with A2 came in a Duster Car bearing Registration No. TN-66-P-3044 and 23.900 grams of MDMA drugs was recovered from A1. It is also stated that the recovered drugs was produced before the Special Court for EC and NDPS Act cases, Coimbatore and the same has taken on record vide P.R.No.437/2023 dated 05.10.2023. It has been stated that the quantity is commercial in



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nature.

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4. The statement of the learned counsel for the petitioner that the respondent had seized the contraband only from A1 and therefore, the petitioner can be granted benefit cannot be accepted, since the respondent had shown that the contraband had been seized only from A2 who was also travelling with A1.

5. In view of that particular fact it must be taken that the petitioner was also in conscious possession of the contraband and the seized contraband is commercial in nature. I am not inclined to grant bail to the petitioner. This Criminal Original petition stand dismissed.

29.01.2024

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