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Crl.O.P.No.2610 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2610 of 2025

Mr.Joseph Justin Paul

... Petitioner/Accused

Vs.

State through
Union of India,
Intelligence Officer,
Narcotics Control Bureau
(NCB), Chennai.

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in R.R.No.69 of 2023 in C.C.No.547 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Murugan

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor for NCB

ORDER

This Criminal Original Petition has been filed by the petitioner, who



was arrested and remanded to judicial custody on 23.12.2023, seeking bail in R.R.No.69 of 2023 registered for the offence under Sections 8(C) R/W 22(c), 23(c), 25 of NDPS Act, 1985 as amended and punishable under Sections 8(c) R/w 27(A), 28 & 29 of NDPS Act, 1985.

2.The case of the prosecution is that based on the specific information, received by the NCB, the petitioner along with other accused were found to be involved in illegal possession of 4.801 kgs of white crystalline substance believed Amphetamine and the contraband was seized and all the accused were arrested and charge sheet was filed under Section 22(c), 23(c), 25, 27(A), 28, 29 of the NDPS Act, 1985. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that the petitioner is no way connected with the alleged offence and subsequently charge sheet has been laid by the respondent police in CC.No.547 of 2024. Hence, he prayed for grant of bail to the petitioner.



4. The respondent has filed a detailed counter.

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5. Learned Special Public Prosecutor appearing for the respondent police submitted that there are totally 8 accused in this case and the petitioner herein is ranked as A3. He was in possession of 1.823 kgs of Amphetamine and based on the confession another 3 kgs of Methamphetamine was seized and he is the main supplier of the seized contraband. The seized contraband is a commercial quantity and the Section 37 of NDPS Act attracts and hence he opposed for the grant of bail to the petitioner.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Special Public Prosecutor, this Court is of the view that the seized contraband is a commercial quantity, and the petitioner has not satisfied the twin conditions required under Section 37



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G.K.ILANTHIRAIYAN, J.

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of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition stands dismissed.

14.02.2025

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Copy to:

1.Union of India,
Intelligence Officer,
Narcotics Control Bureau
(NCB), Chennai.

2. The Special Public Prosecutor,
High Court, Madras.

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