



Crl.O.P.No.32303 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM

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

Crl.O.P.No.32303 of 2024

Ezebuiloh Sunday @ Chukwu

... Petitioner

Vs.

State represented by,  
The Inspector of Police,  
NIB CID, Chennai.  
Crime No.24 of 2023.

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in C.C.No.154 of 2024 pending on the file of the 1<sup>st</sup> Additional Special Court for EC & NDPS Act Cases, at Chennai.

For Petitioner : Mr.M.Venkadeshnan

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 20.09.2023, for the alleged offences punishable under Sections 8(c) r/w



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22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.24 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.09.2023 at about 5.30 hours, the respondent police found the petitioner in illegal possession of 85 grams of Methamphetamine at Chennai Central Railway Station, Wall tax road entrance. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the respondent police have registered a false case against the petitioner in Crime No.24 of 2023 for the offences under Sections 8(c) r/w 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, that the petitioner was arrested and remanded to judicial custody on 20.09.2023, that the petitioner has not committed any offence as alleged in the FIR. He further submitted that this is the second bail petition filed by the petitioner. As per the prosecution case, the petitioner was having 85 grams of Methamphetamine. In fact, the petitioner came to India in medical attender's visa to assist the cousin sister who was taking treatment at Artemis Hospital in New Delhi for abdominal pain and bleeding in uterus. Due to shortage of



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money, the petitioner went to Bangalore to meet his cousin brother Godwin for his departure to his country and to exchange currency through money exchange with his help. When the petitioner was staying in the room at Bangalore, the respondent police entered into the room and seized some contraband from the bag of Chibuzo and after seeing the police officials he escaped from the room. Thereafter, the respondent police foisted a false case against this petitioner. This petitioner has not committed any offence as alleged in the FIR. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was in illegal possession of 85 grams of Methamphetamine for sale to unknown persons and the quantity of contraband involved in this case is a commercial quantity and the contraband was seized only from this petitioner. He further submits that the petitioner belongs to the native of Nigeria, and that the investigation was already completed and the charge sheet was also filed. There are totally six witnesses and the case is posted for examining of LW1 on 24.01.2025. If the petitioner is granted bail, there are lot of possibilities to him to abscond,



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tamper the evidences and threaten the witnesses. Therefore, he strongly opposed to grant bail to the petitioner.

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, nature of offence, quantity of contraband involved is a commercial quantity, already this Court dismissed the earlier bail application filed by the petitioner, that there are no change in circumstances and also considering the gravity of offences, I am declined to grant bail to the petitioner at this stage.

7. Accordingly, the Criminal Original Petition is dismissed.

**22.01.2025**

drl



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To

- 1.The Inspector of Police,  
NIB CID, Chennai.
- 2.The Superintendent of Police,  
Central Prison, Puzhal,  
Chennai.
- 3.The Public Prosecutor,  
High Court, Chennai.



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**P.DHANABAL, J.**

drl

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**22.01.2025**