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CRL OP No. 9280 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 9280 of 2026

Sam @ Samuel Chinweike Anoh
S/o Remond,
No.6, Muniyappa Garden,
Kadachanalluru, Tiruchengodu Taluk,
Namakkal District

..Petitioner(s)

Vs

Union of India through:

The Junior Intelligence Officer
Narcotics Control Bureau
Chennai Zonal Unit
(R.R.No.45 of 2023 in NCB F.No.48/1/19/2023-
NCB/MDS)Chennai

..Respondent(s)

PRAYER: The Criminal Original Petition has been filed under Section 483 of B.N.S.S. praying to enlarge the petitioner 1st accused on bail in R.R.No.45 of 2023 in NCB F.No.48/1/19/2023-NCB/MDS on the file of the respondent police.

For Petitioner(s): M/S. S.Vedhavel

For Respondent(s): Mr.N.P. Kumar,
Special Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.11.2023 for the alleged offences under Sections 8(c) read with 22(c), 23(c),



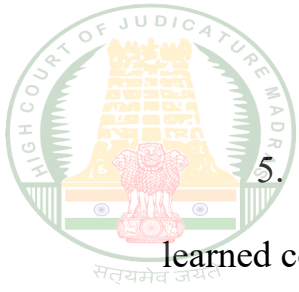
28 and 29 of NDPS Act in F.No.48/1/19/2023-NCB/MDS on the file of the respondent police, seeks bail.

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2. The ***case of the prosecution*** is that based on a secret information with regard to the illegal transportation of Ganja, on 21.10.2023, when the respondent police conducted a search in FPO Chennai of the Customs Authority, found the accused in illegal possession of 5.98 kgs of contraband and hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the respondent police have not searched the premises of the petitioner and no narcotic substance has been recovered from the place of the petitioner. He would also submit that the petitioner is a sole bread winner of his family and he has old aged parents, wife and children and he has been under judicial custody since 25.11.2023 and hence prayed to enlarge the petitioner on bail.

4. The above contention was totally objected by the learned Special Public Prosecutor appearing for the respondent police and he would submit that quantity of contraband involved in this case is a commercial quantity and therefore, he strongly objected the bail application.



5. I have given anxious consideration to the submissions made by the learned counsel on either side.

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6. While perusing the case, according to the prosecution, there was a recovery of 5.98 kgs of MDMA, which is a commercial quantity. Though the learned counsel appearing for the petitioner presently raised the defence, this Court is of the view that the said defence cannot be construed as a defence to overcome the rigors under Section 37 of NDPS Act and therefore, this Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, this Criminal Original Petition is **dismissed**.

05-06-2026

MJS

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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CRL OP No. 9280 of 2



C.KUMARAPPAN, J.

MJS

To

1. The Public Prosecutor, High Court, Madras.
2. The Junior Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit.

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