

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M. NIRMAL KUMAR**

Crl. O.P. No.7820 of 2020

Mohamed Harish (M/24)
S/o. Ali

... Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
NIB CID,
Coimbatore.
(Crime No.144/2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.144 of 2019 pending on the file of the respondent police.

For Petitioner. : Mr. M. Vinoth

For Respondent: Mr. Iyyappa Raj

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on **12.09.2019** for the alleged offences punishable under Sections **8 (c) read**

with 20 (b) (ii) (C) NDPS Act in Crime No.144 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.09.2019, while the respondent police were in patrolling in the Vincent road, Coimbatore, found the petitioner along with another person was carrying 11.500 Kgs. of Ganja illegally following which, they were arrested. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case. He further submitted that the petitioner was arrested and remanded to judicial custody on 12.09.2019 and that he is under incarceration for more than 8 months. Even according to the case of the prosecution, the respondent police seized 12.5 Kgs. of ganja from each accused under separate mahazar which is not a commercial quantity and there is no bar under Section 37 of NDPS Act and that the petitioner is entitled for bail. He would further submit that the respondent police have laid charge sheet against the petitioner and the same was taken on file in C.C.No.121 of 2019, pending before the learned Additional District Judge/Presiding

Officer, Special Court for Essential Commodities Act Cases, Coimbatore.

Hence he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is an habitual offender. Totally, there are two accused in this case. The petitioner and the another person were found in possession of 23.00 Kgs of ganja in Vincent Road, Coimbatore. He further submitted that the ganja was purchased at Vijayawada and brought to Coimbatore by train and that while the accused were going to Ukkadam Bus stand to go to Kerala for selling the same, they were arrested by the NIB CID Police. He also submitted that the petitioner is a ganja seller came from Kerala State and that the offence committed by the petitioner is a crime against the society under Section 37 of NDPS Act. He would further submit that the investigation is completed and charge sheet has been filed and that the same has been taken on file in C.C.No.121/2019 on 26.12.2019 and if the petitioner is let out on bail, he would again commit similar kind of offences. Hence he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and on

perusing the materials placed. It is seen, a case in C.C.No.121/2019 is still pending before the Trial Court. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

16.06.2020

Index: Yes/No

Internet: Yes/No

Speaking order/Non Speaking order

SSI

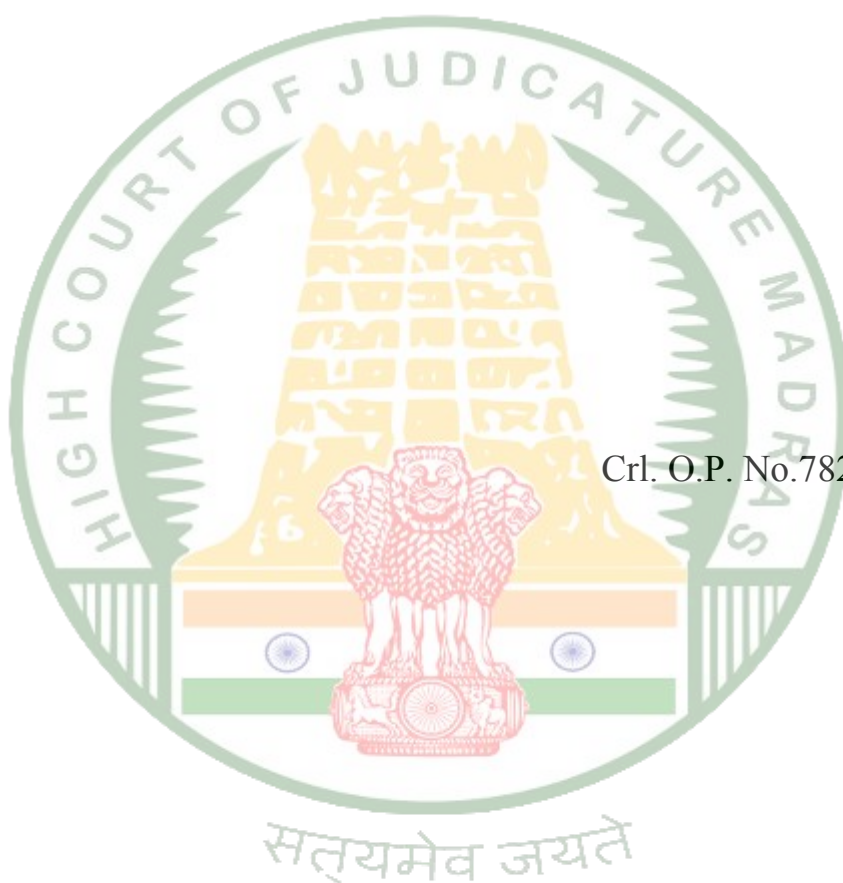
To

1. The Additional District Judge/Presiding Officer,
Special Court for Essential Commodities Act Cases,
Chennai.
2. The Inspector of Police, सत्यमेव जयते
NIB CID,
Chennai.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent,
Central Prison, Coimbatore.

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M. NIRMAL KUMAR, J.

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