

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12000 of 2020

P.Jeyachandran

... Petitioner

Vs.

Union of India,
Rep. by Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
NCB F.No.48/1/02/2019-NCB/MDS

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in NCB F.No.48/1/02/2019-NCB/MDS, on the file of the respondent.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor
(NCB Cases)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 09.01.2019, for the alleged offences under Sections 8(c) r/w 20(b) (ii) (C), 27(A), 28 & 29 of the Narcotic Drugs and Psychotropic Substances Act in NCB F.No.48/1/02/2019-NCB/MDS, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on specific information, the petitioner was intercepted at Athur Toll Plaza, Kancheepuram on 08.01.2019 and found in possession of 107.02 kg of Ganja.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is in custody from 09.01.2019. He would submit that other than the confession statement, there is no other material to implicate the petitioner.

He would submit that the respondent has filed a detailed counter,

wherein it has been stated that on specific information, the petitioner's vehicle Renault Duster bearing registration No.TN-09-BT-4474 was intercepted at Karanodai Toll Plaza on 07.01.2019 and search was conducted in the presence of two independent witnesses and another car Fiat Linea was also intercepted and that on search, 107.02 kg of Ganja was recovered. On summons, the petitioner appeared before the Officer and gave his voluntary confession statement, wherein he had admitted that he had been transported commercial quantity of Ganja. He would submit that the petitioner is suffering from serious liver disease and hence, he prays for grant of bail to the petitioner.

4. The learned Special Public Prosecutor appearing for the respondent would submit that in the voluntary statement given under Section 67 of NDPS Act, the petitioner, apart from furnishing personal details, has also admitted his guilt and that he had gone to Andhra Pradesh and purchased the property. He would submit that apart from the confession, the contraband was also recovered from the scene of occurrence. He would submit that the investigation has been completed and the case has been taken on file in C.C.No.116 of 2019 and the case is also ripe for trial. He would submit that the medical ground cannot be a ground for considering the bail application for the petitioner. He would further submit that at the stage of consideration of bail application, the Court has to see whether the requirements and limitations placed under Section 37 of NDPS Act are satisfied. In this case, the respondent have sufficient material to prove the guilt of the petitioner. In support of his contentions, he relied upon the judgment reported in 2020 SCC Online SC 81 [State of Kerala etc., Vs. Rajesh etc].

5. Heard the learned counsel on either side. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and that the petitioner is involved in transportation of commercial quantity of 107.02 k.g of Ganja and that the petitioner has not satisfied the ground under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
11/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

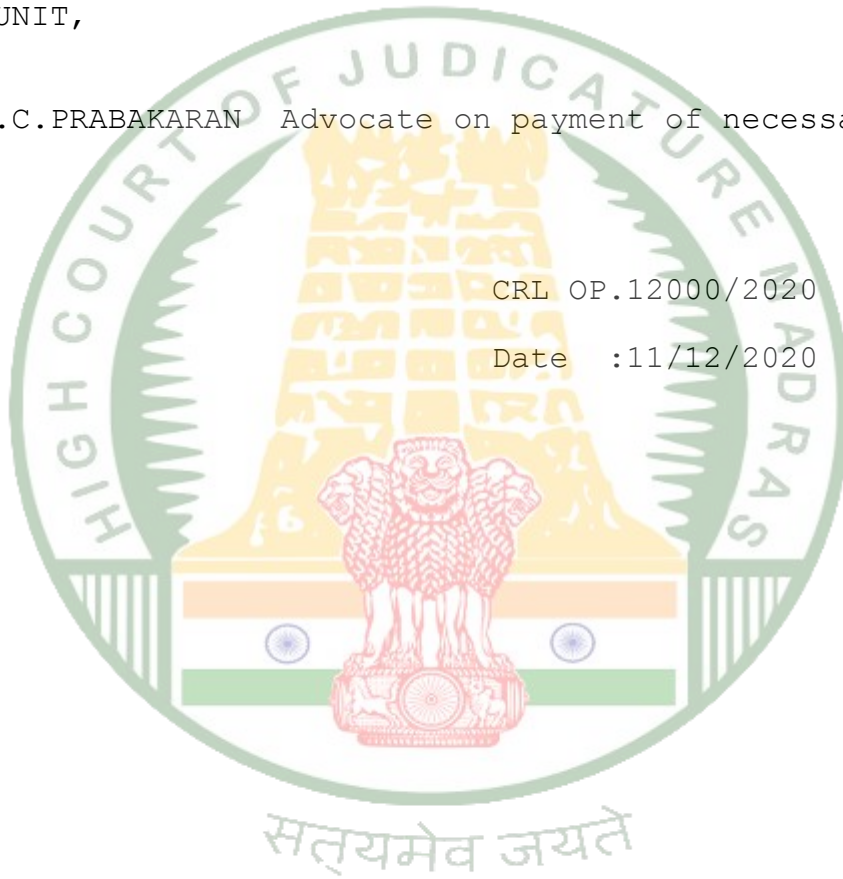
3 THE INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU,
CHENNAI ZONAL UNIT,
CHENNAI.

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.12000/2020

Date :11/12/2020

cs 21/12/2020



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