

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15752 of 2020

Babu

... Petitioner

Vs.

The State, represented by
The Intelligence Officer,
Narcotics Control Bureau
Chennai Zonal Unit,
Chennai.
(C.C.No.08 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner on bail pending charge and trial in
C.C.No.08 of 2020 on the file of the First Additional District Judge,
Special Court for NDPS Act and E.C.Act Cases at Chennai of the
respondent police.

For Petitioner : M/s.Mamta Pandey

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor
(for 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 14.06.2020 for the offences punishable under Sections 8(c)
r/w 20 (b) (ii) C, 28 & 29 of NDPS Act, in C.C. No.08 of 2020 on the
file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is
that on 18.07.2019, NCB Zonal Unit Chennai received an information
over phone from a reliable source that one C.Babu, aged about 30 years
resident of Madurai along with one other person namely Chellapandian,
aged about 32 years resident of Madurai are indulging in trafficking
of Ganja. They have procured around 400 Kg of Ganja from Andra
Pradesh and are transporting this Ganja in White colour Innova Crysta
vehicle bearing Reg.No.TN-09-CQ-3232 and going to Madurai Via Chennai.
They received a further instruction that the accused persons will be
crossing Periyaralayam-Thiruninravur Main Road, Thiruvallur at around

09.30 Hours on 19.07.2019. Based on the information the Superintendent officer directed the respondent police to take action, due to which the respondent police formed a team and they reached the spot and the said vehicle was intercepted and the NCB identified the car. The vehicle was found to be occupied by two persons. One was occupying the driver seat and another occupying the co-driver seat. When the NCB team was about to intercept the vehicle, the person sitting on the co-driver seat suddenly jumped out of the vehicle and fled into the bushes on the road side. The present petitioner, who is the driver of the car was arrested and the said vehicle was found loaded with 420 Kgs of Ganja. The contraband was recovered and the petitioner was arrested and after completion of the investigation the respondent filed a final report on 08.01.2020 and the same had been taken up in C.C.No.08/2020 and pending before the learned First Additional District Judge, Special Court for NDPS Act and E.C.Act Chennai. Hence, the compliant.

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 further submit that the petitioner is only the driver of the vehicle and he is not aware of the transport of the contraband by the owner of the vehicle. Hence, he prays to grant bail to the petitioner.

4. The respondent has filed a detailed counter.

5. The learned Government Special Public Prosecutor would submit that the respondent received a specific information that the petitioner along with one Chellapandian were transporting Ganja in White colour Innova Crysta vehicle bearing Reg.No.TN-09-CQ-3232, to Madurai Via Chennai and also received information that the accused persons will be crossing Periyapalayam-Thiruninravur Main Road, Thiruvallur at around 09.30 Hours on 19.07.2019. Based on the information, the Superintendent officer directed the respondent police to take action, due to which the respondent police formed a team and they reached the spot and the said vehicle was identified and intercepted. The vehicle was found to be occupied by two persons. One was occupying the driver seat and another was occupying the co-driver seat. When the NCB team was about to apprehend them the person sitting on the co-driver's seat suddenly jumped out of the vehicle and fled into the bushes on the road side and escaped. The present petitioner, was arrested at the spot and 420 Kgs of Ganja was found in the back seat. The Mahazar was prepared on the spot and contraband was recovered from the accused person in the presence of witnesses and the petitioner was arrested. After completion of the investigation the respondent filed a final report and taken up in C.C.No.08/2020 and the same is pending before the learned First Additional District Judge, Special Court for NDPS Act and E.C.Act Chennai. He further submitted that the seized contraband is of commercial quantity and the petitioner has not satisfied the condition mentioned in Section 37 of NDPS Act.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration of the facts and circumstance of this case and the fact that the petitioner along with other accused was found in possession of contraband which is a commercial quantity viz., 420 kgs of Ganja and the petitioner was arrested on the spot, this Court is of the view that it is not a fit case of grant of bail in view of Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition is dismissed and a direction is issued to the learned trial judge to complete the trial as expeditiously as possible preferably within a period of months from the date of receipt of a copy of this order.

-sd/-

08/12/2020

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 FIRST ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR NDPS ACT
AND E.C. ACT CASES AT CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON-2,
PUZHAL, CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR
FOR NCB CASES, HIGH COURT, MADRAS.

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

CC to M/S. MAMTA PANDEY Advocate on payment of necessary charges

CRL OP.15752/2020

Date :08/12/2020

cs 06/01/2021

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