

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8654 of 2021

M.Ramkumar

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
NIB-CID Police Station,
Chennai.
Crime No.116 of 2019)

... Respondent

PRAYER:- Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.116 of 2019 pending on the file of the respondent.

For Petitioner : Mr.G.Murugendran

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.12.2019 for the offence punishable under Sections 8(c), 20(b)(ii)(C), 27A, 29(1) of the NDPS Act in Crime No.116 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the secrete information on 21.12.2020, the respondent went to Egmore Railway Station and conducted raid. The petitioner was found in 6th platform and he was in possession of 22Kg of Kanja. Thereafter, the respondent police arrested the petitioner and registered a case in Crime No.116 of 2019 for the offence under Sections 8(c), 20(b)(ii)(C), 27A, 29(1) of the NDPS Act.

3. The learned counsel appearing for the petitioner would submit that the respondent did not weigh the alleged kanja in proper manner. The respondent weighed the contraband gunny bag along with seeds and leafs. If the respondent weighed proper, it would not cross the commercial quantity as contemplated under the Act. There is absolutely no material to register a case under Section 27A of NDPS Act. Further the respondent also failed to follow the procedure as contemplated under Sections 42, 50, 57 of the

NDPS Act. According to the respondent, the occurrence was took place at Egmore Railway station. Even then, the Station Master has not been made as witness in the present case and no railway ticket was seized from the petitioner. Therefore, the respondent filed false case as against the petitioner. He further submitted that there are totally four accused in which A3 and A4 were released on bail by the Court below. Further he would submit that the petitioner is in judicial custody from 21.12.2019 and hence, he seeks bail for the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) submitted that on the secrete information, the respondent conducted raid and the petitioner was found in possession of contraband weighing 22 kg. The respondent complied all the procedure as contemplated under the Act. Further the points raised by the learned counsel appearing for the petitioner have to be considered only during the trial. Therefore, he prayed for dismissal of this petition.

5. There are totally four accused, in which the petitioner is arrayed as first accused. The petitioner was found in possession of ganja weighing 22 Kg, which is commercial in quantity. Therefore, Section 37 of NDPS Act is attracted as against the petitioner and the petitioner is also failed to show any single ground to satisfy the twin condition as contemplated under Section 37 of the NDPS Act. The entire contraband was recovered from the petitioner. Insofar as the other accused persons are concerned there were in possession of below commercial quantity and the Court below considered and granted bail to them. That apart, the respondent completed the investigation in Crime No.119 of 2019 and also filed their final report. The same has been taken cognizance in C.C.No.81 of 2020 on the file of the I Additional Special Court for NDPS Act, Chennai and it is pending for trial. As far as the petitioner is concerned, he was found in possession of 22 Kg, as such this Court is not inclined to grant bail.

6. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

09/06/2021

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 I ADDITIONAL JUDGE,
SPECIAL COURT FOR NDPS ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
NIB-CID, POLICE STATION,
CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

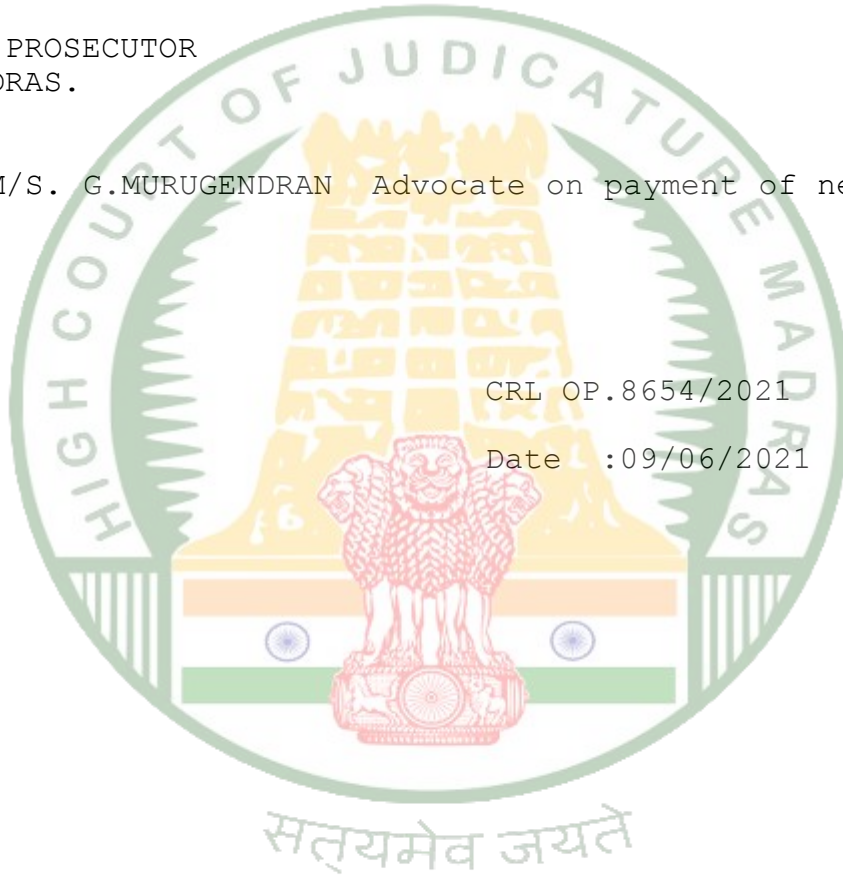
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.MURUGENDRAN Advocate on payment of necessary charges
SR.NO. 6435

CRL OP.8654/2021

Date :09/06/2021

MN-01/07/2021



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