



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.12.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.23182 of 2021

1.C.Chanthuru @ Chandrasekaran
2.Kalaiselvan
3.K.Ganesh

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
NIB CID Police Station,
Nagapattinam District.
Crime No:10 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.10 of 2021 on the file of the (NIB CID Police Station, Nagapattinam District) respondent police.

For petitioners : Mr.C.Karthik

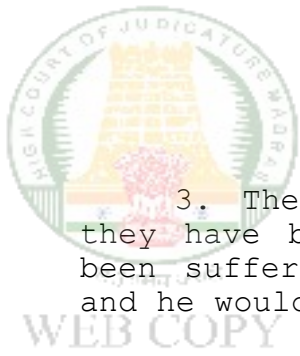
For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 15.10.2021 for the offences under Sections 8(c), 20(b)(ii) (c) and 29(1) of NDPS Act, in Crime No.10 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 19.03.2021 the Coast Guard Group Inspector received a secret information that the petitioners were kept Ganja for smuggling to Srilanka. Inspector along with Sub-Inspector of Police and NIB CID Special Sub-Inspector of Police have searched the farm of A2 and found 60 polythin, bags each bag containing 2 kgs. Hence the complaint.



3. The learned counsel for the petitioners would submit that they have been falsely implicated in this case and that they have been suffering incarceration for more than 60 days from 15.10.2021 and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioners are in possession of 120 kgs of Ganja. He further submitted that A1 is having one previous case and A2 has no previous case. If they will be released on bail, they will abscond and it would cause hindrance to the investigation.

5. In this regard the learned Government Advocate (Crl.Side) pointed out that Section 37 of the NDPS Act deals with offences to be cognizable and non-bailable. Sub clause(2) of the Section deals with *"the limitations on granting of bail specified in clause (b) of Sub-Section (1) are in addition to the limitations under the Code of criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, on granting of bail"*.

Hence, he vehemently opposed to grant bail to the petitioners.

6. Considering the above fact that this Court cannot predict that they would not commit any offence in future, because on seeing the conduct of A1, who is already having one previous case but A2 has no previous case, and considering the huge quantity of the contraband articles i.e., 120 kg of Ganja, were seized, at this stage, this Court observed that they may commit any offence in future. Further, as per the secret information received by the defacto complainant that they were attempted to commit smuggling of Ganja to Sri Lanka, which disclose that a big network is working behind them. If they would be released on bail, they will abscond and the investigation also will not concluded properly. Hence this Court is not inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
09/12/2021

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 INSPECTOR OF POLICE,
NIB CID POLICE STATION,
NAGAPATTINAM DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDHUKOTTAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. C.KARTHIK Advocate on payment of necessary charges
SR.NO.14380

CRL OP.23182/2021

Date :09/12/2021

CSK 23/12/2021