



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5635 of 2022

C.KRISHNAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT
(CRIME NO.677/2021)

[RESPONDENT]

For Petitioner : M/S.E.C.RAMESH Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who was arrested by the respondent police for the alleged offences under sections 8 (c) r/w 20(b) (ii) (C) of NDPS Act 1985 in Crime No. 677 of 2021 on 14.12.2021 and remanded to judicial custody, seeks bail.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. The petitioner herein is arrayed as A-3. According to the prosecution, based on the information received by the respondent police, surveillance was mounted near Thenkanikottai bus stand and on search they found two suspicious persons carrying two white colour plastic bags. They further found that they are from Orissa and they are carrying Ganja weighing about 14 kgs each. Therefore, those two persons by name Samuvel Naick and Sansith Sinchan were arrested and



28 kgs of Ganja in total was recovered from them. Later, on voluntary confession statement of these two accused, the respondent police came to know that the contraband were procured from Orissa from these two accused and intended to be delivered to the 3rd accused who is the petitioner herein. Therefore, the premises of the present petitioner was searched, from where 1.6 kgs of Ganja was recovered. The statement of the petitioner was recorded, wherein he has admitted that he has engaged A1 and A2 to procure the Ganja from Orissa and the contraband seized from A1 and A2 was meant for him.

4. The learned counsel for the petitioner would submit that the name of the petitioner was not mentioned in the FIR, who was alleged to have been in possession of 1.6 kgs of Ganja and therefore, the petitioner was arrested on 14.12.2021 and hence, he may be granted bail to defend his case and to prove his innocence.

5. The counter filed by the respondent police indicates that the total weight of the contraband seized from A1 and A2 is around 29.600 kgs. and that the same was meant to A3 and the petitioner herein. Though the petitioner's name is not found in the FIR, his involvement in the crime of procurement and transporting the narcotic drugs was well spoken by the co-accused on his own statement. Since the quantity involved is a commercial quantity and the material prima facie do not satisfy the twin conditions of Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
16/03/2022

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, SALEM.

2 THE SUB INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

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

CRL OP.5635/2022

Date :16/03/2022

RW 24/03/2022