



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7734 of 2022

SHANKAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
NIB CID POLICE STATION,
CHENNAI
(CRIME NO.28 OF 2021)

[RESPONDENT]

For Petitioner : M/S.V.VIVEK Advocate

For Respondent : M/S.G.V.KASTHURI, Additional public Prosecutor

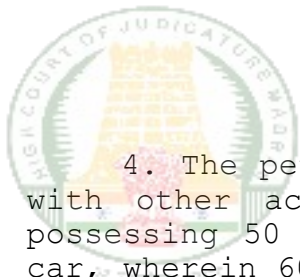
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.09.2021, at the hands of the respondent police for the alleged offences under sections 8(c), 20(b)(ii)(C), 25, 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985 in crime no.28 of 2021 seeks bail.

2. The petitioner was arrested on 22.09.2021 for the alleged possession of commercial quantity of Ganja.

3. According to the prosecution, based on secret information, the respondent police had intercepted two vehicles, one is Tata Indica car bearing Registration No. TN 10 AD 3843 and the other is Honda Jazz bearing Registration No. TN 07 BL 3123. There were three occupants in each car. On search of the vehicles, the respondent police found three packets of Ganja (each containing 20 Kgs) in the Tata Indica car and in the Honda Jazz car, they found two white colour gunny bag (each containing 25 Kgs of Ganja).



4. The petitioner herein, who seated in the Honda Jazz car along with other accused named Nandagopal and Mehala were arrested for possessing 50 Kgs of Ganja. The other occupants of the Tata Indica car, wherein 60 Kgs of Ganja were also arrested.

WEB COPY 5. The learned counsel for the petitioner referring the bail order granted for one Mohan Raj, driver of the Tata India car submitted that the petitioner may be released on bail. However, on considering the said bail orders, this Court finds that, the Court which has granted bail has not properly gone through the FIR and other records and has wrongly observed that the seized contraband is only 20 Kgs and it is an intermediate quantity which is factually wrong. Since, in the said Tata Indica car, three bags of Ganja (which contains 20 Kgs each) was seized and it is commercial quantity. Therefore there cannot be any parity as claimed by the petitioner.

6. Accordingly, this Criminal Original petition is dismissed.

-sd/-
04/04/2022

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 INSPECTOR OF POLICE,
NIB CID POLICE STATION,
CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.VIVEK Advocate on payment of necessary charges

CRL OP.7734/2022

Date :04/04/2022

JPA 12/04/2022