



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11665 of 2022

YASAR ARAFATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI.
(CRIME NO.87/2021)

[RESPONDENT]

For Petitioner : M/S.S.V.KARTHIKEYAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

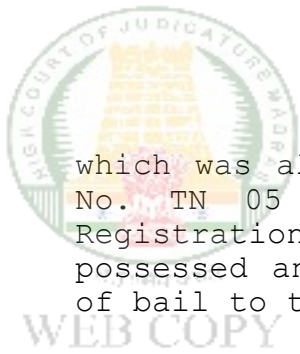
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 04.03.2021 at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20 (b) (ii) (C), 25 and 29(i) of NDPS Act, 1985 in Crime No.87 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner and another accused were found in possession of 76 Kgs of Ganja illegally. Hence, a case was registered as against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the offence as alleged by the prosecution. He would further submit that the petitioner was arrested and remanded to judicial custody on 04.03.2021. The respondent Police failed to follow the procedures as contemplated under Section 50 of the NDPS Act, 1985. The P.W.1 was examined and he categorically deposed that all the accused persons were served with the copy of the seizure notice in which all the accused persons were signed in the same notice. Therefore, the search was not properly conducted and without giving any opportunity of search on the petitioners, it was conducted. That apart, the vehicle



which was allegedly possessed by the petitioner bearing Registration No. TN 05 WB 2264 was not produced and they produced bearing Registration No. TN 05 BW 2264. That apart, the Form No.95 was not possessed any Engine or Chassis Number. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that as far as the petitioner is concerned he is arrayed as A2 and he was in possession of contraband weighing 26 Kgs and it is a commercial quantity. The petitioner has to look out his grounds only during the trial before the Trial Court. He had also produced the Seizure Magazar and it revealed that the respondent seized the vehicle bearing Registration No. TN 05 WB 2264 and seized 26 Kgs of Ganja from the petitioner herein and it is a commercial quantity. Therefore, the petitioner failed to fulfill the twin conditions as contemplated under Section 37 of the NDPS Act, 1985. That apart, the grounds raised by the petitioner has to be looked out only during the progress of trial. Hence, this Court is not inclined to grant bail to the petitioner. Already P.W.1 and P.W.2 were examined by the prosecution and other witnesses of the prosecution are yet to be examined. Considering the facts and circumstances of the case, the Trial Court is directed to complete the trial within a period of 3 months from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

13/06/2022

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 II ADDITIONAL NDPS COURT
CHENNAI.

2 THE INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

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

CRL OP.11665/2022

Date :13/06/2022

CSK 22/06/2022