



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION Nos.11869 & 12186 of 2022

SRIRAM

[PETITIONER / ACCUSED
IN CRL.OP.NO.11869/2022]

PRITHIVI

[PETITIONER / ACCUSED
IN CRL.OP.NO.12186/2022]

Vs

STATE REP BY
INSPECTOR OF POLICE,
B3, KAMBATHUR POLICE STATION,
TIRUVALLUR DISTRICT.
CRIME NO.76 OF 2022

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S. GANESHA MOORTHY B. Advocate
[IN BOTH THE PETITIONS]

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor
[IN BOTH THE PETITIONS]

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 12.04.2022 for the offences punishable under Section 8(c) r/w Sections 20(b)(ii)(B), 22(b), 22(c), 25 and 29(1) of the Narcotic Drugs & Psychotropic Substances Act, 1985 in crime No.76 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.04.2022, on secret information, police officials went to a place near Rajiv Gandhi Nagar, which is situated close to Kadambattur Railway Station, and four persons were found in suspicious manner. On seeing the police, they tried to escape from that place. However, they were caught by



the police. On enquiry, they found LSD Stamp - 10 Nos., MDMA Tablets - 26 Nos. and Meth Crystal about 1 gm in a baleno car bearing registration No.TN 10 BM 3339. Hence, the case.

3. The learned counsel for the petitioners would submit that there are twelve accused, in which the petitioners are arrayed A4 and A2. Though the petitioners travelled in the car owned by the first accused, the entire contraband was seized only from A1. Even according to the case of the prosecution, the petitioners were not in possession of any contraband. Hence, he prays for grant of bail to the petitioners.

4. The Additional Public Prosecutor appearing for the respondent police would submit that there are totally 12 accused, in which the petitioners are arrayed as A4 and A2. The accused persons were found in possession of LSD Stamp - 10 Nos., MDMA Tablets - 26 Nos. and Meth Crystal about 1 gm, which is a commercial quantity. Hence, he vehemently opposed to grant bail to the petitioners.

5. Admittedly, the petitioners travelled in a car along with A1 and A3 and they jointly possessed LSD Stamp - 10 Nos., MDMA Tablets - 26 Nos. and Meth Crystal about 1 gm and the contraband were seized from the car belong to A1. Therefore, it cannot be said that the petitioners were not in possession of the contraband. All were travelling in the same car and all were in conscious possession of contraband, which is a commercial quantity. Further, the petitioners also failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioners.

6. Accordingly, both the criminal original petitions are dismissed.

-sd/-
29/06/2022

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 INSPECTOR OF POLICE,
B3, KAMBATHUR POLICE STATION,
TIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

CC to M/S. GANESHA MOORTHY B. Advocate on payment of necessary charges

CRL OP.Nos.11869 & 12186 /2022

Date :29/06/2022

RW-04/07/2022