



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION Nos.12297 & 13437 of 2022

SATHEESWARAN

[PETITIONER / ACCUSED
IN CRL.OP.NO.12297/2022]

KATHIRAVAN @ THAMBIS

[PETITIONER / ACCUSED
IN CRL.OP.NO.13437/2022]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
M-4 REDHILLS POLICE STATION,
CHENNAI.
(CRIME NO.1402/2021)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

For Petitioner : M/S.B.SHANKAR Advocate
[IN CRL.OP.NO.12297/2022]

: M/S.S.JAYAPRAKASH Advocate
[IN CRL.OP.NO.13437/2022]

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor
[IN BOTH PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.12297 of 2022, who was arrested and remanded to judicial custody on 30.08.2021 at the hands of the respondent police for the offences punishable under Section 8 (c), 20 (b) (ii) (C), 25 and 29 (1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in C.C.No.41 of 2022, seeks bail.

2.The petitioner in Crl.O.P.No.13437 of 2022, who was arrested and remanded to judicial custody on 23.09.2021 at the hands of the respondent police for the offences punishable under Section 8 (c) r/w 20 (b) (ii) (C), 25 and 29 (1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in C.C.No.41 of 2022, seeks bail.



3.The case of the prosecution is that on 23.07.2021 at about 9.30 a.m., when the respondent police was in duty, petitioners were found in illegal possession of 120 Kgs of Ganja and subsequently seized the same. Hence, the complaint was registered as against the petitioners.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they has been falsely implicated in this case and he prays for grant of bail to the petitioners.

5.The learned Additional Public Prosecutor would submit that there are totally 7 accused in which the petitioners are arrayed as A3 and A4 and they were in possession of 3 bags containing 40 Kgs of Ganja totally 120 Kgs. A3 gave money to purchase the contraband and A4, A6 and A7 were proceeding along with contraband waylaid by the A4. Immediately after seeing the police personnels, the A4 flew from the scene of occurrence. Therefore, all the accused persons were in conscious possession of the contraband weighing 120 Kgs of Ganja and it is commercial quantity. Hence, he vehemently opposed to grant bail to the petitioners.

6.Considering the above facts and circumstances of the case and the submissions of the learned counsels, the petitioners failed to fulfil the twin conditions contemplated under Section 37 of the NDPS Act, 1985, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, these Criminal Original Petitions are dismissed.

-sd/-

14/06/2022

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 SPECIAL COURT
FOR EXCLUSIVE TRIAL OF CASES UNDER NDPS ACT,
CHENNAI.



2 THE INSPECTOR OF POLICE,
M-4 REDHILLS POLICE STATION,
CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL.OP.NOs.12297&13437/2022

Date :14/06/2022

CSK 01/07/2022