



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12407 of 2022

C.C.NO.41 OF 2021

(ON THE FILE OF THE II ADDITIONAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER NDPS ACT, CHENNAI)

ESWARAN [PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
M-4, RED HILLS POLICE STATION,
CHENNAI.
(CRIME NO.1402/2021)

For Petitioner : M/S. B.SHANKAR Advocate

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

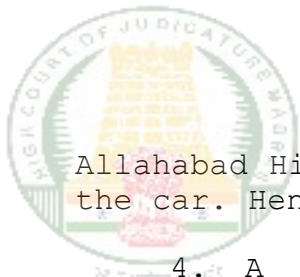
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 30.08.2021 at the hands of the respondent police for the offences punishable under Sections **8 (c), 20 (b) (ii) (C), 25, 29(1) of NDPS Act, 1985** in Crime No.1402 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner and another accused were found in possession of 1200 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 only a driver of the car and he does not know what material is possessed in the car. He had also relied upon the judgment of Hon'ble Allahabad High Court in which the Hon'ble



Allahabad High Court granted bail to the accused who is the driver of the car. Hence, he prays for grant of bail to the petitioner.

4. A perusal of the said judgment also revealed that the mandatory provision under Section 50 was not complied with. Whereas, in the case on hand all the procedures as contemplated under the NDPS Act are duly followed and the petitioner and other accused persons were in possession of the contraband weighing about 1200 Kgs.

5. The learned Additional Public Prosecutor submitted that the petitioner and other accused were in possession of 1200 Kgs of Ganja. Therefore, the petitioner failed to fulfill the twin conditions as contemplated under Section 37 of the NDPS Act, 1985. Since, it is a commercial quantity, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
07/06/2022

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, RED HILLS POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

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

CRL OP.12407/2022

Date :07/06/2022

TA-23/06/2022