



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Thirteenth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.12893 of 2022

IN

C.C.NO.137/2021

(On the file of the II Additional Special Court Under NDPS Act Cases
AT Chennai)

ARUNMON

[PETITIONER / ACCUSED]

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
GUMMIDIPOONDI SUB DIVISION,
THIRUVALLUR DISTRICT.
(ARAMBAKKAM PS CR NO.1497 OF 2020)

[RESPONDENT]

For Petitioner : M/S.P.PUGALENTHI Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

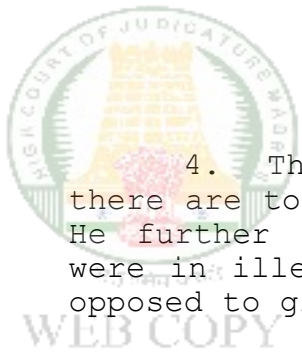
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 24.12.2020 at the hands of the respondent police for the offences punishable under Sections 8(c) r/w 20 (b) (ii) (C) and 29(i) of NDPS Act, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 24.12.2020, on information regarding smuggling Ganja from Andhra to Tamilnadu the respondent police arrived at Elavoor check post at 2.30.p.m and recovered 24Kgs of Ganja from the petitioner and other accused. Hence the complaint.

3. The learned counsel for the petitioner would submit that the respondent failed to comply the procedure as contemplated under Section 50 of NDPS Act. He also submitted that the petitioner was arrested and remanded to judicial custody on 24.12.2020. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 2 accused in which the petitioner is arrayed as A2. He further submitted that the petitioner along with other accused were in illegal possession of 24Kgs of Ganja. Hence, he vehemently opposed to grant bail to the petitioner.

5. On perusal of records revealed that there are totally two accused in which petitioner is arrayed as A2. Both were in possession of 24Kgs of Ganja in two bags weighing 12 Kgs. Though they were in separate possession of 12 Kgs of Ganja, they both travelled in the same vehicle and both jointly purchased the contraband and they were in possession of 24Kgs of Ganja which is a commercial quantity. In fact, in this final report they have been charged for the offence under Section 29 (1) of NDPS Act, 1985 and also at this stage, it cannot be considered that the petitioner was in possession of only 12Kgs of contraband. Hence, the twin conditions as contemplated under Section 37 of the NDPS Act are not satisfied before this Court, this Court is not inclined to grant bail to the petitioner.

6. 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 SPECIAL
COURT UNDER NDPS ACT CASES, CHENNAI

2 THE SUPERINTENDENT, CENTRAL PRISON-2,
PUZHAI, CHENNAI - 66.

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
GUMMIDIPOONDI SUB DIVISION,
THIRUVALLUR DISTRICT.

CC to M/S.P.PUGALENTHI Advocate on payment of necessary charges

CRL OP.12893/2022

Date :13/06/2022

RVR 22/06/2022