



Crl.OP.No.19180 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 02.08.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) 25 of NDPS Act, in crime No.52 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.07.2021 at 14.15 p.m. an information was received from one Mr.Ravichandran that a car was found parked on the Bangalore to Salem bypass road side, near Karuppur IOC gas company junction. The smell of ganja was found in the vehicle bearing registration No. MH 01 AE 5580 Mahindra Renault Logan car. The police broke open the door of the vehicle and found 60 Kgs of Ganja in the car. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that even according to the case of the prosecution, on 11.07.2021, a car bearing registration No. MH 01 AE 5580 Mahindra Renault Logan car was parked on the Bangalore to Salem bypass road side, near Karuppur IOC gas company junction. The police broke open the door of the vehicle and found 60 Kgs of



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Ganja in the car. However, no accused persons were found in the car or near the premises or ran away from the place of occurrence. He further submitted that the petitioner was arrested after 21 days on 02.08.2021 at Bangalore and he was produced before Court on 03.08.2021. To connect the petitioner with the contraband, there is absolutely no evidence to show that the petitioner had driven the car in the Bangalore to Salem by pass road side, near Karuppur IOC gas company junction, Salem District. After completion of investigation, charge-sheet was laid on 10.02.2022 after 180 days. The respondent did not file the charge-sheet within a period of 180 days. Therefore, the petitioner is entitled for default bail under section 167 (2) of Cr.P.C. He further submitted that the petitioner has been implicated as an accused in this case only on the ground that the Toll Plaza FASTAG was recharged through the mobile phone of the petitioner herein. That apart, the respondent failed to comply any procedure as contemplated under Section 50 of NDPS Act.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that though the petitioner was arrested on 02.08.2021, there is a material to connect the petitioner in this case. It is also seen from the statement of accounts of the petitioner revealed that the petitioner only recharged the FASTAG of the car bearing registration No.MH 01 AE 5580



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Mahindra Renault Logan car. When he was proceeding to Mumbai from Kerala, the car got repair. Therefore, the petitioner could not be able to move the car further. Hence, he stopped the car and went away. Further, the respondent completed investigation and filed final report as early as on 05.01.2022 itself and as such, the respondent police represented the charge-sheet on 10.02.2022. Therefore, after completion of investigation charge-sheet was filed on 05.01.2022 and the petitioner is not entitled for default bail under Section 167(2) of Cr.P.C. The contraband was seized from the car and as such, there is no question of non compliance of the procedure under Section 50 of NDPS Act.

5. The learned counsel appearing for the petitioner states that the petitioner is a student of MBA and studying at Bangalore. However, he failed to produce any piece of evidence to show that the petitioner is a student of MBA and studying at Bangalore. Therefore, the petitioner was in possession of 60 Kgs of Ganja and it is a commercial quantity. Now, the trial has commenced in Spl.C.C.No.11 of 2022 on the file of the NDPS Court, Salem.

6. Therefore, this Court is not inclined to grant bail to the petitioner and this Criminal Original Petition is dismissed. However, the trial Court is



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directed to complete the trial within a period of 6 months from the date of receipt of copy of this Order.

12.08.2022

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12.08.2022