



Crl.OP.No.19114 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 02.03.2022 for the offences punishable under Sections 8(C), 20(b)(ii)(B) of NDPS Act, in crime No.6 of 2022 on the file of the respondent police, seeks bail.

2. According to the case of the prosecution, the accused persons were in possession of 60 kgs of Ganja. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that there are totally three accused persons, in which the petitioner is arrayed as A3. On the confession statement of A1 & A2, the petitioner has been implicated as accused. Even according to the case of the prosecution, the petitioner was not in conscious possession of any contraband. In fact, A1 confession statement was recorded on 06.02.2022. In the said confession statement, there was no whisper about the petitioner's overt act. After arrest of A1, he was remanded to judicial custody. During his custody, further confession statement was recorded on 15.02.2022. Only on the said confession, the petitioner is implicated as an accused. He further submitted



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that the petitioner was arrested and remanded to judicial custody on 02.03.2022 by PT Warrant. The petitioner was originally arrested on 01.02.2022 in pursuance to the Crime No.36 of 2022 on the file of the Inspector of Police, Nagapattinam Town Police Station. Therefore, there is absolutely no possibility for the petitioner to provide car on 06.02.2022 to purchase the contraband by A1 & A2. Further, the case of the prosecution is that the petitioner paid a sum of Rs.10,00,000/- to A1 and A2 to purchase the contraband from Andhra Pradesh. The petitioner was arrested on 01.02.2022 and as such, there is absolutely no possibility for the petitioner to provide sum of Rs.10,00,000/- to A1 for purchasing the contraband.

4. The learned Additional Public Prosecutor appearing for the respondent filed his counter.

5. On perusal of the counter filed by the learned Additional Public Prosecutor appearing for the respondent, it revealed that there are totally 3 accused, in which the petitioner is arrayed as A3. He is the master brain behind all the crime committed under the NDPS Act. He is a drug peddler and he used to purchase the contraband from Andhra Pradesh and smuggle to Srilanka. When the petitioner proceeded to Srilanka, he was arrested and



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remanded to judicial custody in Crime No.36 of 2022 on the file of the Nagapattinam Town Police Station. He was in conscious possession of 450 Kgs of Ganja. The petitioner used to purchase contraband along with other accused persons. As such, he purchased the car bearing registration No.TN 68 Z 8079 Renault Kwid Blue from one lady and handed over to the A1 for purchasing the contraband. That apart, the petitioner is a financier. Only on his instructions, A1 & A2 purchased the contraband. Therefore, the petitioner is a popular person in the under world. Further, the presence of the petitioner is doesn't required to provide car and cash. That apart, the petitioner was already arrested on 01.02.2022 in pursuance to the Crime No.36 of 2022 on the allegation that the petitioner was in possession of 450 Kgs of Ganja. Therefore, there is material to connect the petitioner along with A1 & A2. Further, the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of NDPS Act.

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

12.08.2022

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