



Crl.O.P.No.19918 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :30.08.2022

Pronounced on :02.09.2022

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.19918 of 2022

Yuvaraj @ Kaisamon

.. Petitioner

/versus/

The State by
The Inspector of Police,
H3, Tondiarpet Police Station,
Chennai.
(Crime No.1212 of 2021)

.. Respondent

Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending trial in C.C.No.38 of 2022 on the file of the 1st Additional Special Judge, EC-cum-NDPS Act Cases, Chennai in Crime No.1212 of 2021 on the file of the Inspector of Police, H3, Tondiarpet Police Station, Chennai.



Crl.O.P.No.19918 of 2022

WEB COPY

For Petitioner :Mr.B.Kumarasamy
For Respondent :Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

Petition filed by the 3rd accused for bail pending trial.

2. The petitioner was arrested on 28.09.2021 by the respondent police for the alleged offence under Sections 8(c) r/w 20(b)(ii)(B), 22(c), 25, 29(1) of NDPS Act 1985 and Section 149 of IPC in Crime No.1212 of 2022 on the file of the respondent police in connection with seizure of 1.500 kg ganja and 1125 Nitravet tablets.On completion of investigation, final report filed and numbered as C.C.No.38 of 2022 on the file of the I Additional Special Judge, EC-cum-NDPS Act Cases, Chennai.

3. The case of the prosecution is that on 19.07.2021, the respondent police received a secret information about illegally sale of Narcotic Substances at Elaya Street, Back Side of Amma Hotel, Tondiarpet,



Crl.O.P.No.19918 of 2022

WEB COPY

Chennai. The team under Sub Inspector of Police was constituted and the raid was conducted. Five persons standing suspiciously along with the two wheeler bearing Reg.No.TN 18E 0835 were surrounded. Three of them ran away and other two by name Siva Sankaran @ Bittu (A1), Gobikrishna (A2) were apprehended by the police. From their possession, four pockets of NITRAVET totally 1125 tablets were weighed and found 876 grams and 1.500 kg ganja were recovered. On the same day, A1 and A2 were remanded. Based on the information given by A1 and A2, their accomplice fled away from scene of occurrence by name Yuvaraj @ Kaisamon(A3) and Johnson (A5) were later remanded to judicial custody on execution of PT warrant. The other accused Thothu @ Vinoth (A5) surrendered before the learned XV Metropolitan Magistrate Court, George Town, Chennai on 29.09.2021 and he was remanded to judicial custody.

4. The learned counsel appearing for the petitioner submitted that the alleged contraband was not recovered from the possession of the petitioner. The other two accused from whose possession the contraband



Crl.O.P.No.19918 of 2022

was seized granted bail by this Court on condition to donate Rs.25,000/- to a Charitable Trust. So, on parity the petitioner is entitled for bail.

5. The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner cannot seek parity with the other two accused since this petitioner is a notorious criminal and history sheeter having 8 cases grave in nature pending against him. If the petitioner is released on bail, there will be serious threat to life of the witnesses. The learned Government Advocate (Crl.Side) also submitted that based on the information that five persons are selling ganja and prohibited tablets, the police team went to the scene of occurrence. While two of them were caught, the other three fled away on seeing the police. 1125 NITRAVET 10mg tablets weighing 876 grams along with 1500 grams of ganja were seized. All the five accused had joined possession of these contraband of commercial quantity. This petitioner meanwhile, who was arrested in a different case, produced before the Special Court under PT Warrant and formal arrest was effected on 03.01.2022.



Crl.O.P.No.19918 of 2022

WEB COPY

6. Though in the normal circumstances drawing parity along with A1 and A2, this petitioner who is arrayed as A3 will be entitled for bail, the conduct of the petitioner and antecedents of the petitioner puts him in a footing and impede granting bail.

7. The specific case of the prosecution is that this petitioner along with four others were in possession and selling Narcotic drug illegally. On seeing the raiding party, this petitioner along with two others had fled away from the scene of occurrence. This conduct indicates that there is a propensity to abscond. The learned Government Advocate (Crl.Side) has listed 8 pending cases against this petitioner, which are of grave in nature. If the petitioner is released on bail, there is every possibility of threat to the witnesses and he being a history sheeter, there is threat to life of the witnesses as well as to the police.



Crl.O.P.No.19918 of 2022

WEB COPY

8. In the said circumstances, grant of bail to this petitioner who is involved in trafficking of commercial quantity of Narcotic Drugs is not conducive for fair trial. Hence, this Criminal Original Petition is dismissed.

02.09.2022

Index:yes/no
speaking order/non speaking order
ari

To :

- 1.The 1st Additional Special Judge, EC-cum-NDPS Act Cases, Chennai.
- 2.The Inspector of Police, H3, Tondiarpet Police Station, Chennai.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



Crl.O.P.No.19918 of 2022

DR.G.JAYACHANDRAN,J.

ari

Delivery Order made in
Crl.O.P.No.19918 of 2022

02.09.2022