



CrI.O.P.No.21917 of 2022

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N.SATHISH KUMAR, J.

This Criminal Original Petition has been filed to enlarge the petitioner (A1) on bail in C.C.No.32 of 2021, on the file of the learned Principal Special Judge for EC & NDPS Act, Chennai, in Crime No.3789 of 2020 pending on the file of the Inspector of Police – M-4, Red Hills Police Station, Chennai.

2. Heard Mr.S.Saravanan, learned counsel for the petitioner and Mr.Arul Joseph, learned Government Advocate (Criminal Side) for the respondent.

3. The case of the prosecution is that on 18.8.2020, the respondent Police, arrested A2 and A3 and seized 451 Kgs of ganja from them and remanded them to judicial custody. On the basis of the confessional statements of A2 and A3 the respondent police arrested the petitioner/A1 on 05.09.2020, for the alleged offences punishable under Sections 8 (c), read with Sections 20(b)(ii)(c), 25 and 29 (1) of NDPS Act and Section 212 of IPC.



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4. The learned counsel appearing for the petitioner submitted that there is not even an iota of evidence available with the respondent Police against the petitioner/A1, but they arrested the petitioner/A1, solely based on the confession statement of A2 & A3. The petitioner is in custody from 10.07.2020 and there is no evidence available to link the petitioner with the alleged crime. Therefore, he seeks bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that about 450 kgs of ganja has been seized from A2 and A3 and during investigation it came to light that the petitioner/A1 is the investor and the man behind the purchase of such huge quantity. Further, according to the learned Government Advocate (Criminal Side) the prosecution has examined all the witnesses and the matter is now posted for arguments and at this stage the petitioner has filed an application under Section 311 for examination of P.W.7. As the evidence has already been adduced before the Trial Court and prosecution witnesses have already been examined and the trial is almost over and it is pending only for recalling P.W.7. Therefore, he seeks dismissal of this petition.



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6. At this stage, this Court is not inclined to enlarge the petitioner/A1 on bail. If it is the contention of the petitioner/A1 that there is no truth in the prosecution case, then the same can be canvassed before the trial Court by the petitioner and the trial Court can appreciate the same on the basis of the evidence adduced in this regard. Accordingly, no case is made out for grant of bail and hence this criminal original petition is dismissed.

03.11.2022

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