



Crl.O.P.No.22524 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 10.01.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 28 & 29 of NDPS Act, 1985 on the file of the Narcotics Control Bureau, Chennai Zonal Unit, seeks bail

2. The case of the prosecution as per the de-facto complainant is that on 08.01.2022, the petitioner along with the other accused had illegally transported 369 kilograms of Ganja. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that even as per the prosecution, the alleged contraband was recovered from the Bolero pickup vehicle bearing registration No.TN-72-AV-4700 and the petitioner was neither a co-passenger nor from whom the possession was taken. He would also submit that the investigation has been completed



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and the final report has also been filed and it is pending committal and hence, he prays for grant of bail to the petitioner.

4. The respondent has filed a detailed counter. The relevant portion of the counter is extracted hereunder:-

"01. Based on specific information, the officers of Narcotics Control Bureau, Chennai Zonal Unit, seized 369 kgs. of brownish green colour dry leaves believed to be Marijuana (Ganja) recovered from Bolero Pickup vehicle bearing Reg. No. TN 72 AV 4700 at Nallur Toll Plaza, Chennai on 08.01.2022. This Bolero vehicle was escorted by a silver coloured Maruti Suzuki Swift vehicle bearing No.TN-10-AL-1816 occupied by two persons called Madiyazhagan, S/o Ponnaiyya and M.Prakash S/o Mayilraj.

02. Thereafter, T.Viji S/o Thoppusamy (driver of Mahindra Bolero) who carried the contraband with Madiyazhagan, S/o Ponnaiyya and M.Prakash S/o Mayilraj (occupants of escort vehicle Maruti Suzuki) who were in possession of the seized contraband of 369 KGS of brownish green dried



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leaves believed to be Marijuana (Ganja) recovered from the Bolero vehicle at Nallur Toll Plaza (Karanodai Toll Plaza), Chennai on 08.01.2022 were served with summons U/s 67 of NDPS Act 1985, as amended, respectively to appear before the Intelligence Officer at the Office of Narcotics Control Bureau, Chennai Zonal Unit, FD-2, 3rd Avenue, TNHB Layout, Ayapakkam. Chennai - 77 on 09.01.2022 forthwith for further enquiry. The said persons accompanied NCB staff to NCB office.

03. On preliminary enquiry during course of the Mahazar about the supplier and financier of the seized contraband, T.Viji S/o Thoppusamy had informed that the leaders of their drug trafficking organization were two persons named R.V.K. Sekar s/o Karmegam and Selvam s/o Veeranna And they were currently assembled in Hotel Udhaya Udupi, No. 140, Bharatiyar Salai, Trichy for receiving this consignment. Based on this input, Akshay Hunurkar, IO, Chennai had informed the Superintendent, NCB, Chennai to attempt to trace them. Subsequently accused no A-4 to A-10 mentioned above were traced and were requested to present themselves at NCB, Chennai office for enquiry on 9.1.2022



pertaining to seizure of 369 KG Ganja on 08.01.2022.

04. Based on the seized properties, incriminating documents and voluntary statements dated 09.01.2022 seized, A-1 to A-8 were placed under arrest individually on 09.01.2022 and A-9 and A-10 were arrested individually on 10.01.2022 by serving respective arrest memos on them. Their grounds of arrest were explained to them.. They were given a copy of their arrest memos under acknowledgement.

05. Both Mahindra Bolero pickup van bearing registration No.TN-72-AV-4700 (Engine no. GLC1J72322 and Chassis no. MA12P2GLK1J67818) and Maruti Swift vehicle bearing no. TN- 10-AL-1816 (Engine No. D13A2104532 and Chassis No. MA3FHEB1500410083) were seized by the seizing officer during search and seizure on the spot.

06. Further, Viji who carried 369 KGs of Ganja from Andhra Pradesh and Mathiyazhagan and Prakash both escorted in Maruti Swift vehicle bearing no. TN 10 AL 1816 which was also seized at Nallur/Karanodai Toll Plaza, Chennai on



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08.01.2022. Here, it is proved that Viji, Prakash and Mathiyazhagan are close associates and they carried the 369 KGS of Ganja well planned and to execute it properly Mathiyazhagan and Prakash given escort to the said vehicle to give prior information if any law agency officers detailed in each toll plaza to escape from the law clutches. The following call details of proves that Viji who carried the 369 KGs of Ganja in Mahindra Bolero truck and Mathiyazhagan and Prakash who escorted the said vehicle in Maruthi Swift Car and they all were know each other very well and they were actively involved in this case:-

CALLS FROM VIJI MOBILE 7032782537

CONTACT NUMBER	OUT- CALL	IN- CALL	IN- SMS	TOTAL CALLS	TOTAL CALL DURATION IN SECONDS (TIME)
9943444528 PRAKASH	42	78	2	122	9047
9440421978	32	25		57	6418
9498809198 MATHIYAZHAGAN	15	11		26	1952
9092864068 ANDI		5		5	854



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Some call details of Viji, Prakash, Mathiyazhagan & Murugan

VIJI	IN/OUT	MATHIYAZH AGA	DATE	TIME	DURA TION
7032782537	IN	9498809198	08/01/2022	08:48:51	31
7032782537	IN	9498809198	08/01/2022	10:30:08	27
7032782537	IN	9498809198	08/01/2022	10:48:17	18
7032782537	IN	9498809198	08/01/2022	11:01:14	23
7032782537	IN	9498809198	08/01/2022	11:41:43	19
7032782537	IN	9498809198	08/01/2022	12:05:30	22
7032782537	IN	9498809198	08/01/2022	12:33:22	9
7032782537	IN	9498809198	08/01/2022	12:46:57	25
7032782537	IN	9498809198	08/01/2022	10:22:51	56
7032782537	IN	9498809198	08/01/2022	10:40:31	48
7032782537	IN	9498809198	08/01/2022	10:49:32	27
7032782537	IN	9498809198	08/01/2022	11:31:54	31
7032782537	IN	9498809198	08/01/2022	11:33:40	25
7032782537	IN	9498809198	08/01/2022	11:35:59	12

07. The following tower location details proves that Viji who carried the 369 KGS of Ganja in Mahindra Bolero truck and Mathiyazhagan and Prakash who escorted the said vehicle in Maruthi Swift Car from Nellore, Andhra Pradesh. Here, Mathiyazhagan is a regular offender and bad antecedent and he punished several times including Ganja Case. The tower location of Mathiyazhagan



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shows in Longitude of all the three persons were found same and it is clear that they all were know each other very well and they were actively involved in this case and Mathiyazhagan was given escort to Viji's vehicle to take it to the destination:-

CELL ADDRESS	LATITUDE	LONGITUDE	FIRST CALL	LAST CALL
Audisankara College of Engineering and Technology NH-5 Bypass Road, Aravinda Nagar, Gudur Asian Highway 45 East Gudur Rural,] Andhra Pradesh 524101, Sri Potti Sriramulu Nellore	14.166249	79.85995	08-Jan-2022	08-Jan-2022
Manubolu: Premises in Block No. 12 in Sy. No. 260/3, Manabolu Village and Mandal, Nellore District. Sri G. Tirupal, 9885853242 (P.P.), Sri Potti Sriramulu Nellore	14.2045472	79.8748469	08-Jan-2022	08-Jan-2022
Land backside to BSNL exchange, Main road, Satrampadu village, DORAVARISATRAM, Doravarichatram, Sri Potti Sriramulu Nellore	13.81317	79.94823	08-Jan-2022	08-Jan-2022
Land backside to BSNL exchange, Main road, Satrampadu village, DORAVARISATRAM, Doravarichatram, Sri Potti Sriramulu Nellore.	13.81317	79.94823	08-Jan-2022	08-Jan-2022
Mr I Purushotham, S/o Ramadasu, Sy.No.79/2, Kalluru Village, Doravarisatram Mandal, Nellore Dist-524123 Ph:9492690961, Sri Potti Sriramulu Nellore	13.79808	80.019	08-Jan-2022	08-Jan-2022



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08. Further, Tamil Nadu Government Police provided Criminal back ground details of Mathiyazhagan in which he was found punished in 04 different cases in various dates the following offences recorded in T.N. Police and here it is proves that Mathiyazhagan is not a law bound citizen and he involved earlier in NDPS case and other criminal activities:-

SN	CITY/DIST/ UNIT	POLICE STATION	CR.NO/YEAR &SEC. OF LAW	NAME/AGE AND ADDRESS OF THE ACCUSED	STAGE
1	MADURAI	USILAMPATT	766/2019-U/S 20(B)(1)(A),8(c) of NDPS Act	Mathiyalakan,5 4/20,S/o Ponnaia thevar, Pannaipatti, Usilampatti, Madurai	REF
2	Madurai city	Sellur	892/2020-u/s 188, 270-IPC	Mathiyalagan, 34/20, s/o Ponnanya thevar, P<S Veethi, 10thstreet,	REF
3	Virudhunagar	Amukkulam	9-89/2015-u/s 109,147,148,294 (b),323,324,427,506 (ii) IPC 4 TNPHW Act @ 147, 148, 294(b),323,324,326, 50 6(ii),	Mathiyalagan,4 9/15,s/o Ponnu Thevar, Thatchandal, Thiruchuli Virudhunagar, T.N.	REF



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SN	CITY/DIST/ UNIT	POLICE STATION	CR.NO/YEAR &SEC. OF LAW	NAME/AGE AND ADDRESS OF THE ACCUSED	STAGE
			ipc3(1), TNPPDL Act-4 TNPHW Act		
4	Virudhunagar	Rajapalayam South	187/2019-us 107- CrPC	Mathiyalagan, 51/19, Ponnaiah Thevar, Ammankovil Street, Sankarapandia puram, Rajapalayam, T.N.	DISP

09. The investigation was completed and complaint was filed before Hon'ble NDPS Court, Chennai within the stipulated period and time.

10. The contraband seized in this case is 369 Kgs of Ganja, s more than commercial quantity, the petitioner is not innocent, the document and property seized in the case clearly proves that the petitioner has committed the offence knowingly which was also admitted by the petitioner in his voluntary statement and subsequent call details and tower location proved it. The petitioner, in his voluntary statement admitted that he is very well known to the fact and he done it for need of Money. Hence the grounds raised by the petitioner are not



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sustainable and are liable to be rejected as Madhiyazhan committed a cognizable offence; he may not be enlarged on bail.

11. The Complainant/Respondent submit that, the seized contraband is commercial quantity and Section 37 of NDPS Act attracts and the petitioner has to satisfy the condition mentioned in Section 37 of NDPS Act. The petitioner failed to satisfy the conditions; hence he is not entitling for bail. His earlier bail petition was filed before the Principal Session Judge NDPS Act, in Crl M.P No.3319 of 2022 was dismissed on 06.08.2022."

5. The learned Special Public Prosecutor for NCB cases appearing for the respondent would submit that the petitioner is arrayed as A2 in this case. He would further submit that the petitioner along with the other accused have purchased 369 kilograms of Ganja from Andhra Pradesh and they have transported it in two vehicles and the petitioner had escorted the other accused in Maruti Suzuki Swift vehicle bearing registration No.TN-10-AL-1819 and that the call details of the accused would prove that they were travelling together from Andhra Pradesh and



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the tower locations and their movements fixed from the latitude and longitude information collected shows that they were travelling together and they were aware of each other involvement in the crime and the petitioner cannot show ignorance or innocence. He would also submit that apart from that the petitioner has 4 previous cases and one case is registered under NDPS Act. He would also submit that the quantity being huge and it is a commercial quantity and the petitioner has not satisfied the twin conditions required under Section 37 of the NDPS Act for grant of bail. He would further submit that investigation has been completed and the final report has also been filed, which is yet to be numbered. Therefore, he vehemently oppose to grant bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Special Public Prosecutor for NCB cases and perused the materials available on record.

7. Taking into consideration the facts and the submissions made by the learned Special Public Prosecutor for NCB Cases and also



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taking note of the fact that the the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition stands dismissed.

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