



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25131 of 2021

1. Renganathan
2. Selvam

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
NID CID Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in C.C.No.132 of 2021 pending on the file of the Principal Special Court under NDPS Act cum District and Sessions Judge, Chennai.

For Petitioner : Mr.V.Ramamurthy

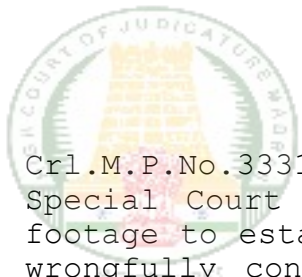
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Cr1.Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 26.11.2020 for the offences under Sections 8(c) read with 20(b)(ii)(C), 25, 29(1) of NDPS Act, in C.C.No.132 of 2021 pending on the file of the Principal Special Court under NDPS Act cum District and Sessions Judge, Chennai, seeks bail.

2. The case of the prosecution is that the petitioners were found in illegal possession of 160 kgs of Ganaja in 8 bags (each 20 kgs) each having 4 bags respectively while they were traveling in Bolero Mini truck bearing Registration No.KA51 A1482. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners to prove their innocence has filed a petition in



Crl.M.P.No.3331 of 2021 before the learned Principal Special Judge, Special Court under NDPS Act to sent for the calling for the CCTV footage to establish that the petitioners were taken into custody and wrongfully confined by the respondent police. He further submitted that there is no previous case pending against the petitioners. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioners were found in illegal possession of 160 kgs of Ganja. He further submitted that the contraband involved in this case 160 kgs of Ganja is a commercial quantity. He further submitted that the investigation has been completed and the charge sheet has also been filed. He further submitted that if the petitioners are let out on bail, again they will commit the similar type of offence and there is possibility to escape from the clutches of law and tamper with the evidence as well as threaten the witnesses. Hence, he vehemently opposed for grant of bail to the petitioners.

5. In reply, the learned counsel for the petitioners further submitted that there is no previous antecedents and the quantity involved is not commercial quantity. Further, he undertakes that the petitioners will co-operate with the trial.

6. On perusal of FIR and it is seen that the petitioners were found in illegal possession 160 kgs of Ganja which is commercial in quantity. Therefore, Section 37 of NDPS Act is attracted as against the petitioners and the petitioners are also failed to show any single ground to satisfy the condition as contemplated under Section 37 of NDPS Act. Further, the petitioners are involved in very serious offence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed with a direction to the trial Court to complete the trial in C.C.No.132 of 2021, within a period of three months from the date of receipt of copy of this order.with a direction to the trial Court

-sd/-
04/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



**[*]CORRECTED COPY TO BE SUBSTITUTED FOR THE ORDER ALREADY DESPATCHED
ON 14.02.2022**

TO **WEB COPY**

1 THE INSPECTOR OF POLICE,
NIBCID POLICE STATION,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

COPY TO

**(*) THE PRINCIPAL SPECIAL COURT UNDER
NDPS ACT CUM DISTRICT AND SESSIONS JUDGE,
CHENNAI.**

CC to M/S.V.RAMAMURTHY Advocate on payment of necessary charges

CRL OP.25131/2021

Date :04/02/2022

INBA~10/02/2022

RW 06/05/2022