



CrI.O.P.No.29928 of 2022

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T.V.THAMILSELVI,J.

The petitioner who was arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act @ Section 8(c) r/w 22(b)(ii)(B) of NDPS Act in Crime No.273 of 2022, seeks bail.

2. The case of the prosecution as per the defacto complainant Maruthu, Sub Inspector of Police, is that on 16.09.2022, he received a secret information with regard to A1 and A2 that they were present near Ponnusamy Hotel at Jegannathan Street, Nungambakkam with an intent to sell ganja. Based on the information, the defacto complainant along with 2 other Police went to the scene of occurrence and found A1 and A2 standing there and upon enquiry and after intimation, they were searched and that the contraband of 1.100 kg of Ganja was recovered from them and thereafter, confession was recorded from A1 and A2 and from them one Apple i-phone and one Redmi phone was recovered. Further allegation of the respondent is that based on the confession recorded from A1 and A2 that the other accused viz., A3, A4 and A5 had informed them



that they would supply drugs to them on the next day, the respondent police waited for the other accused and they were arrested within the limits of the respondent Police station and from this petitioner, 1.400 kg of Ganja, Ecstasy pills 33 nos and LSD hallucinogens 19 stamps were recovered and from A6, 2.100 kgs of ganja was recovered. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 in this case. He would further submit that the petitioner is roped in this case based on the confession recorded from A1 and A2. He would also submit that the respondent has produced the contraband only on 02.11.2022 before the Special Court under EC & NDPS, creating a grave doubt with regard to the seizure, registration of the case, the recovery of the contraband and production of the same before the Court. There is no explanation by the respondent with regard to the delay in producing the contraband before the Court and the non explanation with regard to the delay creates doubt in the prosecution case.

4.The learned counsel for the petitioner further submitted that the



petitioner is in judicial custody from 17.09.2022 and he is also ready to abide by any stringent condition that may be imposed by this Court. He would also submit that the co-accused in this case have already enlarged on bail by this Court in Crl.O.P.Nos.25449, 26224, 26675 and 27369 of 2022 and hence, he prays for grant of bail to the petitioner.

5.The learned Government Advocate (Crl. Side) would submit that the petitioner was found in illegal possession of 1.400 kg of Ganja, Ecstasy pills 33 nos and LSD hallucinogens 19 stamps, which comes under commercial quantity and only from this petitioner, the commercial quantity was recovered. He would further submit that the investigation is still pending and the forensic lab report has not yet been received. Therefore, he vehemently oppose to grant bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case and also taking note of the quantity of the contraband which is a commercial quantity and that the lab report has not yet been received, this Court is not inclined to grant bail to the petitioner.



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7.Accordingly, this Criminal Original Petition stands dismissed.

22.12.2022

vkr

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