



CrI.O.P.No.4909 of 2023

CrI.O.P.No.4909 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 05.09.2022, for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(c), 25 and 29(i) of NDPS Act in Crime No.302 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.09.2022 at about 13.00 hours, when the respondent police had received a secret information about illegal transport of Narcotic substances, they conducted a check up and at that time, the respondent police stopped one Innova Crysta car bearing Reg.No.TN-49-BL-5050 and enquired the accused persons and during the search, the said accused persons were found in possession of 21.300 kg of Ganja. The said contrabands and property were seized from the accused persons under the cover of seizure mahazar in the presence of witnesses. Thereafter, the respondent police arrested the accused and recorded their confession statements. After that, the arrested accused along with the seized contrabands were taken to the respondent police station. The said contrabands is listed as Serial No.55



Crl.O.P.No.4909 of 2023

WEB COPY

in the table of section 2 of NDPS Act. Based on the above, a case was registered in Uthukuli Police Station, Cr.No.302/2022 under section 8(c) r/w.20(b),(ii)(c) of NDPS Act, 1985 against the accused persons (A1 to A4) on 04.09.2022 by the respondent police.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 in this case and other than having travelled along with A1, A2 and A4 in this case, the petitioner is not aware of the illegal possession of the contraband. He would also submit that A4 in this case, who has been similarly placed, has been granted bail by this Court in Crl.O.P.No.165 of 2023. Hence, he prayed for grant of bail to the petitioner.

4. .The learned Government Advocate (Crl.Side) would submit that the petitioner is arrayed as A3, and the said accused along with two other accused had taken A4 in the car for purchase of Ganja to Andhra Pradesh and there, they have paid an amount of Rs.50,000/- to one unknown person and purchased the Ganja and had come back in the



CrI.O.P.No.4909 of 2023

WEB COPY

Innova Crysta car. While so, they were intercepted by the respondent police and arrested. He would also submit that the petitioner is well aware of the illegal transaction and he was found to be in conscious possession of the drug and that the petitioner stands on a different footing than that of A4, as A4 does not have any previous case. As far as A4 is concerned, she had travelled along with the other accused, for the purpose of gaining some amount, other than that she has not traded with the contraband. As far as the petitioner is concerned, he is also having one previous case registered against him in Crime No.22 of 2022 by Kottaurutalam Police Station for the offences under sections 8(c), r/w.20(b), (ii)(B) of NDPS Act for having found in possession of 6 kgs of Ganja and therefore the case of the petitioner does not satisfy section 37 of the NDPS Act and he is not entitled to grant bail. He would further submit that the case has been charge sheeted and taken up in SPL.C.C.No.170 of 2022 on the file of the Special Court for EC cases, Coimbatore and thereby he would object for grant of bail to the petitioner.



WEB COPY



Crl.O.P.No.4909 of 2023

A.D.JAGADISH CHANDIRA, J.

mpa

5. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side) and also perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court finds that the petitioner was also found to be in conscious possession of contraband along with other accused, which is a commercial quantity and the petitioner has not satisfied the condition required under Section 37 of the NDPS Act for grant of bail. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

23.03.2023

mpa

Crl.O.P.No.4909 of 2023