



Crl.O.P.No.11236 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 30.04.2022 for the offences under Sections 8(c) r/w 20(b)(ii) (C), 25, 29(ii)(a) of Narcotic Drugs and Psychotropic Substances Act, 1985, and now altered to the Sections 8(c) r/w 20(b)(ii) (C), 25, 29(i) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.216 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.04.2022, on receipt of a secret information, the respondent along with his team, conducted a vehicle check-up in Wall Tax Road, NSC Bose Road Junction, during which, they found that the accused were illegally transporting 60 Kilograms of Ganja in their four wheeler bearing Registration No.TN-07-BF-2381. The respondent had arrested the accused, recorded their confession statements and seized the contraband under the cover of seizure mahazar in the presence of witnesses. Hence the case

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in



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this case. He also submitted that the petitioner is no way connected with the alleged offence and he was arrested on 30.04.2022. Subsequently, the petitioner was detained under Act 14 vide detention order in Memo No.184/BCDFGISSSV/2022 dated 06.07.2022 and the same was quashed by this Court in H.C.P.No.1806 of 2022 dated 08.03.2023. He also submitted that the investigation in this case has been completed, therefore, further custody of the petitioner may not be required. He further submitted that the petitioner is in custody from 30.04.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The respondent Police has filed a detailed counter.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that when the respondent had conducted the vehicle check up, they found that the petitioner along with other accused were illegally transporting 60 kilograms of Ganja in their four wheeler bearing Registration No.TN-07-BF-2381. He also submitted that the respondent had arrested the accused and recorded their confession statements. He further submitted that the investigation in this case has



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been completed and the case has also been taken up for trial in C.C.No.343 of 2022, pending trial on the file of the learned Principal Special Judge (EC & NDPS Cases), Chennai and also submitted that there are 9 witnesses in this case. He further submitted that the contraband seized from the petitioner herein is of commercial quantity and that it attracts Section 37 of NDPS Act, thereby, the petitioner have to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, if bail is granted to the petitioner, there is every possibility of him to abscond and would derail the progress of trial. Hence, he vehemently opposed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. In view of the above, this Court is of the view that the petitioner is arrayed as A1 and from whom, 30 kilograms of Ganja has been seized and that the alleged contraband recovered from the petitioner is a commercial quantity, therefore, the petitioner ought to have satisfied the twin conditions as contemplated under Section 37 of NDPS Act.



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8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and finding that the petitioner has not satisfied the conditions required under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition stands dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably, within a period of four months from the date of receipt of copy of this order.

08.06.2023

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