



Crl.O.P.No.11014 of 2023

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G.CHANDRASEKHARAN, J.

The petitioner, who was arrested and remanded to judicial custody on 01.04.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 22(b), 25 & 29(1) of NDPS Act in C.C.No.176 of 2023 on the file of the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in Crime No.87 of 2022 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that, as per the admitted case of the prosecution in the FIR, only 4.050 Kgs of ganja, Tydol 100 – 200 tablets and Nitravet – 150 tablets were seized from the petitioner, which is not a commercial quantity. The claim that commercial quantity of psychotropic substance and narcotic drugs were seized from the petitioner is not correct. He has been falsely implicated in this case. He is in judicial custody from 01.04.2022. Therefore, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that on 01.04.2022, at about 10.00 hrs, when the respondent police were engaged in vehicle check-up near Navalur



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signal in Chennai to Kelambakkam OMR road, they found four persons in two wheelers coming from Chennai. On search, they found two paper packets from the sides of the Honda DIO bike and Yamaha Ray bike. Upon verification, it was found that they were carrying two packets containing ganja (each 3.900 Kgs & 4.050 Kgs respectively), Tydol 100 (each 200 tablets, respectively), Nitrovet (each 150 tablets, respectively) and syringe (each 15 nos, respectively). In the Pulsar bike and Yamaha R15 bike, they found two packets containing ganja (each 4.300 Kgs & 4.250 Kgs respectively), Tydol 100 (each 200 tablets, respectively), Nitrovet (each 150 tablets, respectively) and syringe (each 15 nos, respectively). A1/Venkatesan, A2/Punniyamurthy, A3/Sirilraj and A4/Ajith were arrested and their confession statements were recorded. Sampling was done. Thereafter, on the basis of confessions statement of A1 & A2, they found 13 packets of ganja in the house identified by the accused in MGR nagar, Nathaam Lake Street, Navalur. The ganja weighed 26 Kgs. Thus, he claimed that petitioner was found in possession of 1) 4.050 Kgs of ganja, 2)



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Tydol 100 – 200 tablets, 3) Nitrovet – 150 tablets and 4) 26 Kgs of ganja, which was seized from his house. The total ganja recovered from A1 to A4 is 42.5 Kgs, which is a commercial quantity. A1 is having seven previous cases pending against him, out of which, three cases are similar in nature.

4. Considering the fact that commercial quantity of ganja and other psychotropic substances were illegally possessed by the petitioner along with three accused and that he has three previous cases of similar nature pending against him, this Court is not inclined to grant bail to the petitioner for the reason that he has not satisfied the twin conditions under Section 37 of NDPS Act, 1985.

5. Accordingly, this Criminal Original petition is dismissed.

26.07.2023

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