



Crl.O.P.No.13869 of 2023

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RMT.TEEKAA RAMAN,J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(C), 20(b) (ii) (B) and 25 of NDPS Act in Crime No.900 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police along with other officials engaged in regular checking, they found one Auto bearing Regn.No.TN66 T 2341 which was driven by the petitioner/A2 and obstructed the same. Being so, found 77.700 kgs of tobacco products (Swagath Gold Tobacco, Cool Lip Filter, Hans Chaap Tobacco, Vimal Pan Masala and V-1 Tobacco) and 27 packets of cannabis chocolates. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and in no way connected with the case and he has been falsely implicated in this case. He further submitted that the defacto complainant had given a complaint before the Kovilpalayam Police Station in Crime No.191 of 2023 for alleged offences under Sections 328 of IPC and Section 24(1) of COTPA Act, 2003 against the petitioner/A1 and thereafter, he



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was arrested and remanded to judicial custody on 19.05.2023 and subsequently, released on bail in Crl.O.P.No.12473 of 2023 on 08.06.2023.

4. Heard the learned Government Advocate (Crl. Side) appearing for the respondent Police and perused the counter affidavit filed by the respondent police.

5. As per the prosecution, on 19.05.2023 at about 12.00 hours, Tr.P.Rajesh Kanna, the Sub Inspector of police conducted a raid at Karatumedu, Kovilpalayam along with Tr.Sasikumar and at that time the special informer informed that some persons are involved in illegal transport of GANJA. On receipt of such information, the police conducted a vehicle check up and at that time, while checking an auto bearing Regn.No.TN66 T 2341, the following items were found and the diver Abudhahir/A1 was enquired.

- 1) Swagat Gold Tobacco – 50 Packets, which contains 20 Kg 100 gram.
- 2) Cool Lip Filter Tobacco – 63 Packets, which contains 11 Kg 50 gram.
- 3) Hans Chaap Tobacco – 50 Packets, which contains 16 Kg.
- 4) Vimal Pan Masala – 200 Packets, which contains 24 Kg 750 gram
- 5) V1 Tobacco – 200 Packets, which contains 5 Kg 350 gram.



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6. Learned Government Advocate (Crl. Side) further stated that the special team found one white urea bag and that contains 27 yellow colour packets in the name of Power Thrilogya Vijaya Vatti (Bhang), each contains 40 Ganja Choclates, totally 1080 Ganja Chocolates [which weights 6 Kg 200 grams]. Thereafter, the respondent police arrested A1 and recorded his confession statement and seized the 77 Kg and 700 gram Tobacco and 6 Kg 200 grams Ganja Chocolate and auto bearing registration No.66 T 2341 from the accused A1, under the cover of seizure mahazar in the presence of witness. A2 is said to have given the contraband to A1 to supply to unknown persons and hence, the complaint. As against this petitioner, there is a specific overtact.

<i>S.No.</i>	<i>Accused</i>	<i>Contraband Seized</i>	<i>Commercial / Non-commercial</i>	<i>NDPS Schedule No.</i>	<i>Chemical Report</i>
1	A1/Abudhakir	6 Kg 200 grams Ganja Chocolates and 77 Kg and 700 gram Tobacco products	Non commercial	55	Yet to obtain lab report
2	A2/Kevenlal Patel Kevalram	Absconding			

He further submitted that the investigation is in the preliminary stage and hence, vehemently opposed for grant of anticipatory bail to the petitioner.

7. After hearing both sides and perusing the records and also considering the specific overtact against this petitioner that he gave the



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contraband to A1 to supply to unknown persons and seizure has been effected to the extent as indicated above and that the investigation is at a preliminary stage, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

07.08.2023

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