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*CRL.MP.No.8957 of 2023
in Crl.O.P.No.11508 of 2023*

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in
Crl.O.P.No.11508 of 2023

A.D.JAGADISH CHANDIRA, J.

This petition has been filed to cancel the bail granted to the respondent/A4 by this Court in Crl.OP.No.11508 of 2023 dated 08.06.2023.

2. In this case, the respondent/accused is arrayed as A4 in N-1, Royapuram Police Station Crime No.95 of 2023 registered for the offences under Sections 8(c) r/w 20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985. The respondent/accused had filed Crl.OP.No.11508 of 2023 and this Court, taking into consideration that there was no recovery from the respondent/accused and that other than he being present along with the other accused, he has no connection with the case, had granted bail to the respondent/accused. It is the case of the petitioner/complainant that the respondent/A4 was well aware of the possession of the contraband by the main accused and thereby, the present petition has been filed seeking to cancel the bail.

3. The respondent has filed a counter affidavit.



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4. Mr.S.Balaji, learned Government Advocate (Crl.side) appearing for the petitioner/complainant would submit that this Court, taking into consideration that there was no recovery from the respondent/accused, had granted bail to the respondent accused. However, as per the confession statement of A1, the petitioner had gone along with the other accused to Andhra Pradesh and purchased the contraband from Andhra Pradesh and that they were trying to sell the same in Tamil Nadu for personal gain and that his presence was also confirmed at the time of the seizure of the contraband from the other accused. He would also submit that the contraband involved is above commercial quantity and hence, he would seek for cancellation of bail.

5. Mr.A.Parthiban, learned counsel for the respondent/accused would submit that other than the presence of the accused at the place of occurrence, he was not aware of the possession of the contraband by A2. Further, the car, from which the contraband was recovered, also belongs to A2's mother and even as per the prosecution, the respondent was found standing outside the Car and absolutely, there is no material to show that the



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respondent/accused had gone along with the other accused to Andhra Pradesh for purchasing the contraband. He would further submit that the investigation has also now been completed and final report was filed, wherein no material has been furnished by the prosecution to show that the petitioner along with the other accused, had gone to Andhra Pradesh for purchasing the contraband. He would submit that this Court has granted bail to the co-accused in Crl.OP.No.13487 of 2023 dated 21.07.2023. He would also submit that the petitioner is regularly complying with the condition imposed by this Court and thus, the present petition may be dismissed.

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

7. This Court, after carefully perusing the materials available on record, finds that the petitioner has complied with the twin conditions required under Section 37 of NDPS Act. Hence, this Court does not find any substantial material for cancelling the bail granted to the respondent/accused vide order dated 08.06.2023 in Crl.OP.No.11508 of 2023.



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8. Accordingly, this petition for cancellation of bail stands dismissed.

23.08.2023

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