



Crl.O.P.No.14578 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner namely Muruganantham, who was arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act r/w 328 IPC in C.C.No.53 of 2023 on the file of the 1st Additional Special Court for EC and NDPS Act, Chennai, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in C.C.No.53 of 2023 for the offences Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act r/w 328 IPC. Petitioner is in judicial custody from 14.09.2022. Thus, he prays for grant of bail.

3. The learned Government Advocate (Crl. Side), opposes this petition, on the ground that, petitioner along with other accused were found in possession of 21 kgs of ganja, which is a commercial quantity. The investigation in this case is almost completed and waiting for Forensic Science Laboratory (FSL) report. He further submitted that, if bail is granted to the petitioner, it would be difficult for the respondent



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police to secure him for facing trial. Therefore, he strongly opposed this petition.

4. Considered the submissions and perused the records.

5. The perusal of the first information report shows that, on a secret information, at about 9.30 a.m., on 14.09.2022, respondent police found the accused near Venkatapuram Koot Road, with a sack. After introducing themselves to the accused, and following the necessary procedure, it was found that, 1st accused, Muruganantham was with illegal possession of 5 kgs of ganja and 2nd accused, Raju was with illegal possession of 8 kgs of ganja and 3rd accused, Suresh Pandiyan was with illegal possession of 8 kgs of raw ganja leaves. Thereafter, sampling procedure was done by the respondent police and confession statement of the co-accused was recorded and the first information report came to be registered.

6. Considering the allegations made in the first information report, it is clear that, petitioner along with other accused were found with



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possession of 21 kgs of ganja, which is a commercial quantity. Petitioner alone was found with possession of 5 kgs of ganja. There are materials available to prosecute the petitioner for the offences under NDPA Act. Petitioner has not satisfied the conditions under Section 379 of NDPS Act. If bail is grant to the petitioner and he absconds, it would be difficult to secure him to face the trial.

7. In such circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

17.07.2023

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