



Crl.OP.No.16881 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge the petitioner on bail in C.C.No.167 of 2022 on the file of the learned Additional District Judge/Presiding Officer, special Court for Essential Commodities Act Cases, Coimbatore.

2.It is the submission of learned counsel for the petitioner that no Ganja was recovered from this petitioner. A sum of Rs.2,00,000/- alone recovered. No previous case is pending against him. He is in judicial custody from 06.06.2022. Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that on 06.06.2022 at about 14.15 hours, the defacto-complainant on previous intimation mounted surveillance for the accused. The accused came in two-wheeler bearing Nos.TN 67 BF 6707 and TN 37 BT 5316. They were stopped near Vellaikinaru railway gate. Kathadi @ Lekkusamy was riding two-wheeler bearing No.TN 67 BF 6707. Cool @ Ajith Kumar was riding two-wheeler bearing No.TN 37 BT 5316. Abdul Ajeez was the pillion rider in the two-wheeler bearing No.TN 37 BT 5316. After following necessary procedure, accused were enquired. Accused Kathadi @ Lekkusamy



produced Ganja weighed 11kgs, accused Ajeethkumar produced Rs.2,00,000/- and accused Abdul Ajeez produced Ganja weighing 10kg. Sampling procedure was done. Thereafter, accused were apprehended and First Information Report came to be registered.

4.Considered the rival submissions and perused the records.

5.From the First Information Report allegations, it is seen that total of 21kg of Ganja was recovered from all the three accused while they were apprehended near Vellaikinaru railway gate. All the three were travelling together. The pillion rider Abdul Ajeez in TN 37 BT 5316, which was driven by this petitioner had produced 10kg of Ganja. Therefore, it is not open to the petitioner that he has nothing to do with the possession of Ganja by accused Abdul Ajeez and Kathadi @ Lekkusamy. This is a commercial quantity.

6.Therefore, this Court is of the view that petitioner has not satisfied the twin conditions contemplated under Section 37 of NDPS Act to consider the grant of bail. In such circumstances, this Court is not inclined to grant



Crl.OP.No.16881 of 2---

bail to the petitioner.

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7. Accordingly, this Criminal Original Petition is dismissed.

28.07.2023

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Crl.OP.No.16881 of 2---

G.CHANDRASEKHARAN, J.

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Crl.OP.No.16881 of 2023

28.07.2023