



Crl.OP.No.17002 of 2023

G.CHANDRASEKHARAN, J.

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This petition is filed to enlarge the petitioner on bail in N3 Crime No.89 of 2023 for the offences under Section 8 (c), 22 (c) 25 of the NDPS Act, on the file of N3 Muthialpet Police Station, Chennai, pending investigation.

2.It is the submission of learned counsel for the petitioner that petitioner is only an auto driver and he is falsely implicated in the allegation of selling 207 grams of Cocaine. He is in judicial custody from 09.06.2023. Thus, this petition is filed for seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that respondent Police on secret information, that the accused are selling cocaine on 08.06.2023, at about 20.15 hours, mounted surveillance near Bharathy Women's College, Prakasam Road. They found auto bearing No.TN 10BT 6019. They stopped the auto and enquired the auto driver's name and address namely Natarajan, who is the petitioner herein. He was informed about the information that he was in possession of cocaine and offered that



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he would be taken to Judicial Magistrate for search. Petitioner denied the offer and said the respondent Police may search him. On search, respondent Police found the plastic cover on his right pant pocket. On opening the plastic cover, they found cocaine weighing 15g. Sampling procedure was done. Cocaine and the auto bearing No.TN 10BT 6019 were seized. Auto driver was arrested and his statement was recorded. In his statement, he informed that one Thajudeen used to buy cocaine from outstation and used him for selling cocaine. Accordingly, Police party along with team visited No.2/83, Kamarajar Colony, 3rd street, Kodambakkam, Chennai, and found a Hundai Verna Silver Colour Car bearing No.TN 04AJ 2020. Petitioner identified Thajudeen. After following necessary procedure, Police conducted a search in the car and found sixteen chocolate like object in a white color cover. On examination, it was found that the object is cocaine. Totally 192 g of cocaine was seized from Thajudeen. Sampling procedure was done and then cocaine was seized. Car bearing No. TN 10BT 6019 was also seized. Thajudeen's confessional statement was recorded and case was registered.

4.Considered the rival submissions and perused the records.



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5.From the narration of facts alleged in the First Information Report, it shows that Thajudeen is the one who possessed cocaine weighing 192 g. It is a commercial quantity. He gave a part of his procurement to the petitioner. Petitioner was found in physical possession of 15g of cocaine. This case involves commercial quantity of cocaine by both petitioner and accused Thajudeen. The materials available in this case *prima-facie*, shows the possession of commercial quantity of cocaine by this petitioner and accused Thajudeen. Petitioner has not satisfied the twin conditions contemplated under Section 37 of NDPS Act, for the grant of bail. Investigation in this case is not completed. In the said circumstances, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

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