



Crl.O.P.No.20316 of 2023

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G.CHANDRASEKHARAN.J.

The petitioner, who was arrested and remanded to judicial custody on 23.04.2023 for the offences punishable under Section 8 (c), 20 (b) (ii) (C), 25 of NDPS Act, in Crime No.499 of 2023 on the file of the respondent, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is falsely implicated in this case alleging that he was found in possession of 6 kg of Ganja. Even assuming that petitioner was in possession of Ganja is true, still he can be charged only for possessing intermediate quantity and not commercial quantity of Ganja. Petitioner is in judicial custody from 23.04.2023. Thus, he prays for grant of bail.

3.In response, learned Additional Public Prosecutor submitted the defacto-complainant on the basis of secret information mounted surveillance near Eragampatti Check post, at about 13.00 hours, on 17.04.2023. Police party found a car bearing No.TN 25 K 7634 near Otanchatiram. The car was stopped and the driver tried to escape. However, Police apprehended him



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and on enquiry, he told his name as Tamilselvan, s/o Sekar. During the course of enquiry, he informed that his father Sekar and he had procured Ganja and transported in a lorry bearing No.TN 52 D 0688 and stored it. From the Ganja stored by his father in his house, he had taken Ganja for supply it to one Ranjith of Dindugal and his friends of Palani. Ganja was kept in the dickey of the car bearing No.TN 25 K 7634. After following necessary procedure, a search was conducted in the car and it was found that there were 22 big and one small packets in the dickey. The Police found each packets weighed 2kg and one packet weighed 1.100 kg. Totally there was 45.100 kg of Ganja seized. 6Kg of Ganja was recovered from the petitioner.

4.In reply, the learned counsel for the petitioner submitted that only 6kg of Ganja was said to have been recovered from the petitioner. It is only an intermediate quantity.

5.Considered the rival submissions and perused the records.

6.From the submission of learned counsel appearing for parties and



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the First Information Report allegation show that the Ganja was procured by this petitioner and kept in his house. Out of the Ganja kept in petitioner's house, his son had taken 45.100 kg of Ganja for distribution, for the purpose of sale. Therefore, it is not correct on the part of the petitioner to contend that he was only in possession of intermediate quantity of Ganja, that is, 6kg. This is a case where commercial quantity of Ganja was procured, transported and possessed for distribution for the purpose of sale. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

14.09.2023

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