

Crl. O.P.No.1458 of 2023

WEB COPY **A.A. NAKKIRAN, J.**

The petitioner herein who has been arrested by the respondent police for the alleged offence under Section 8(c) r/w.20(b)(ii) (C), 28 and 29 of NDPS Act in RR No.37 of 2021 seeks bail.

2. The case of the prosecution is that 642 Kg of Ganja was found in the possession of the lorry of the accused (A-1) Ramamoorthy and another accused Gubendran who is the cleaner of the vehicle and as per the investigation, 4 persons are involved and were arrested in the above case. The petitioner was arrayed as A-2 and arrested based on the alleged confession by A1 and the cleaner of the Lorry.

3. The learned counsel for the petitioner would submit that right from the time of his incarceration, the petitioner was not doing well and suffered with several medical complications including uncontrollable diabetes. As the petitioner's health condition was deteriorated to a pathetic level, he was referred to Government Stanley Medical College and Hospital,



Royapetta Government Hospital on many occasions. As part of the treatment, his middle finger in his left hand was amputated. There was formation of gangrene due to which deposits of pus, they were removed from both his knees. The petitioner is unable to walk and doctors had opined that there is possibility of further amputations of his body parts. Hence, on the ground of mercy, the petitioner may be released on bail. Thus, he seeks bail for the petitioner herein.

5. Per contra, the learned Additional Public Prosecutor (Crl.Side) would submit that the seized contraband about 642.100 kg of Ganja comes under the purview of "Commercial Quantity". Hence, the embargo of Section 37 of NDPS Act is applicable in this case. Further, there are medical facilities in Central Prison Puzhal and he can avail these facilities for his treatment. Hence, he strongly opposed to grant bail to the petitioner.

6. A medical report about the petitioner has been received by this Court sent by Civil Assistant Surgeon, Central Prison Hospital, Central Prison-II, Puzhal, Chennai-600 066 wherein it has been observed as follows:

"He is getting continuous medication for his condition



from Central Prison Dispensary. At present, his vitals are stable".

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7.Considering the facts and circumstance of the case and also considering the medical report of the petitioner issued by the Civil Assistant Surgeon, Central Prison Hospital, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, at the request of the learned counsel for the petitioner, if the petitioner is required for proper treatment, the Authority of Central Prison-II is hereby directed to admit him to the Stanley Government Medical College and Hospital.

07.03.2023

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To

Internet : Yes

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