



Crl.O.P.No.624 of 2024

C.V.KARTHIKEYAN,J.

The petitioner/A3 in Crime No.216 of 2022, registered by the respondent police for the offences under Sections 8(c), 20(b)(ii)(c), 25, 29(2)(a) of NDPS Act, seeks bail. The petitioner had been remanded to custody on 30.04.2022.

2.It is stated that A1, A2 and A3 were travelling in a car bearing Regn.No.TN-07-BF-2381. A1 was driving the car and A2 and A3 were sitting in the car. A search was conducted on the vehicle and three gunny bags were seized. It is stated that A1 was found in possession of 30 kgs of ganja, A2 was found in possession of 16 kgs of ganja and A3 was found in possession 14 kgs of ganja. This fact is pointed out by the learned counsel who stated that the quantity of ganga seized from the petitioner is not commercial quantity and it is only intermediate quantity.

3.It is also stated that the petitioner had been in custody for a considerable period of time. It is also stated that he is prepared to produce his father and his brother as sureties to ensure that he would attend the trial process.

4.It is also stated that the earlier application seeking bail was dismissed nearly about a year back. A direction had been given to the Trial Court to conduct the trial and complete it within a period of six months. It is also stated



that the trial had not yet commenced. It is therefore, contended that since the petitioner was in possession of intermediate quantity of ganja, bail should be granted.

5.A counter affidavit has been filed wherein it had been stated that all the three accused had been taken into custody at the same time and from within the vehicle bearing Regn.No.TN-07-BF-2381, from the dikki of the car, 60 kgs of ganja in gunny bags were seized. It had been apportioned by the respondent as 30, 16 and 14 kgs from each one of the accused.

6.It had also been stated that investigation has been completed and final report has also been filed and the same has been taken cognizance as C.C.No.343 of 2022 by the Principal Special Judge for EC & NDPS Act, Chennai. It is stated that the petitioner is from Andhra Pradesh and there is every possibility of the petitioner absconding. Under those circumstances, a relief for bail had been seriously contested by the learned Government Advocate (Crl. Side) for the respondent.

7.A perusal of the facts show that all the three accused were travelling in one car. A1 was driving the car, A2 and A3 were sitting in the car. The learned counsel for the petitioner stated that the petitioner had alighted the car only midway and did not know anything about the contents. That is a fact which has



to be examined and tested during the course of trial. At the time of arrest, all the three accused were inside the car bearing Regn.No.TN-07-BF-2381 and from within the car, totally 60 kgs of ganja had been seized. Each one must be taken as having been in conscious knowledge of the possession of the ganja of the other accused. The possession of each one therefore has to be taken as being in the possession of all the accused and jointly they were all in possession of 60 kgs of ganja. The apportionment is only a matter of convenience made by the respondent but it is the total which is relevant. That exceeds commercial quantity.

8.Let the trial commence and let the learned Trial Judge conduct trial as expeditiously as possible.

9.In view of the above, I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petitions is dismissed.

22.01.2024

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C.V.KARTHIKEYAN,J.

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