



CrI.O.P.No.744 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner, who was arrested and remanded to judicial custody on 26.11.2023 registered for the offences under Sections 8(c), 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.0212 of 2023 on the file of the respondent Police, seeks bail.

2. The learned counsel for the petitioner argued that the petitioner was arrested on the previous day on 25.11.2023 and that there is a evidence available in the CCTV camera fixed in the particular street. However, that particular fact is not stated in the petition. It is also stated by the learned counsel for the petitioner that the contraband came from Andhra Pradesh and that it was the Vellore Police who had arrested the petitioner and not the respondent. That particular fact is also not stated in the petition, The petitioner had clearly stated that it is the respondent police who had arrested the petitioner on 26.11.2023. The learned counsel for the petitioner further stated that the petitioner is a college student and he is an informer and later, he has has been turned as an accused. He also



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pointed out that the contraband seized is 45 kilograms of ganja which is commercial quantity in nature.

3. The Court can only follow the law as laid down. The law as laid down in Section 37(2) of NDPS Act is that there must be reasonable grounds for acquittal and that there should be no possibility of the accused committing the offence once again. The question of date of arrest or other facts as stated by the learned counsel which is not substantiated by the petitioner in the bail application, can never be termed as a reasonable ground for acquittal.

4. The learned counsel further stated that the respondent had seized 3 separate vehicles namely, Maruthi Swift Desire car being Reg No.WB 26 C 9946, Mahindra Xylo Car bearing Reg. No. TN 66 J 5860 and Honda Dio motor cycle bearing Reg.No.TN 32 AL 8948 . It is stated by the learned counsel for the petitioner that the Honda Dio motor cycle alone belongs to the petitioner. The learned counsel also questioned why the 45 kgs of ganja had been split and kept in three separate vehicles.



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The Court can never answer, that question. It is a question for the petitioner to address and explain during the course of trial. The materials could also be split up further and carried in a lorry and it could also transported in a bus and it could also been transported in the pocket of the accused person. It is the modus operandi of the accused persons and the Court can never pass any observation on the same.

5. The specific case of the prosecution as stated is that totally 45 kgs of ganja which is commercial in nature had been seized and that the petitioner had been arrested. The petitioner has to satisfy the stipulations laid down under Section 37 of NDPS Act.

6. In view of the above facts, this Court is not inclined to grant bail to the petitioner. This Criminal Original Petition stands dismissed .

23.01.2024

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