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Crl.O.P.No.2464 of 2024

C.V.KARTHIKEYAN,J.

The petitioner/A1 in Crime No.348 of 2023, registered under Sections 8(c) r/w 20(b)(ii)(C), 25 & 29(1) of NDPS Act and Section 120(B) of IPC and remanded to judicial custody on 10.07.2023, seeks bail.

2.It is stated that by the learned counsel for the petitioner that A2 had been granted bail by order dated 11.10.2023, A3 had been granted bail by order dated 05.09.2023 and A4 had been granted bail by order dated 25.09.2023.

3.The sequence of offence is that the respondent had intercepted a two-wheeler, bearing No.TN-05-CA-2634, in which, both A1 and A2 were travelling. From the possession of this petitioner/A1, 10 kgs of ganja had been seized. Thereafter, this petitioner took the respondent to yet another address at Bajanaï Koil Street, Perambur. That is a discovery of a new fact by the respondent. In that particular place, they found A3 and A4 each with possession of 5 kgs of ganja. Since there has been no seizure of ganja from A2, he had been



granted bail. Since individually from A3 and A4, 5 kgs of ganja had been seized they had been granted bail.

4. But it has to be seen that on the information specifically provided by this petitioner, which led to discovery of fresh facts which was earlier unknown to the respondent. Further 10 kgs of ganja was seized and that has to be looked in conjunction with the ganja seized from this petitioner, namely 11 kgs. Therefore, this petitioner was conscious of the presence of further 10 kgs of ganja in the custody of A3 and A4. To the knowledge of this petitioner there was 21 kgs of ganja available. That is commercial quantity. I am not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

5. After this order had been dictated, the learned counsel produced an additional typed set of papers and seizure mahazar and stated that there is no signature appended by the 1st witness. It is also pointed out that in the arrest memo, the crime number had already been given.



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6. It is to be pointed that when information is received about commission of cognizable offence, in the general diary, a note is written down and thereafter, after obtaining permission from the superior officer, after putting a report by writing under Section 42 of NDPS Act, the officer who has authority to proceed further with the investigation, proceeds to the spot and if he is able to identify the accused, intercept the accused and if the accused is in possession of narcotics substances, recover and seize the narcotic substances.

7. This is one chain of events. It starts from information received. It starts from information being forwarded under Section 42 of NDPS Act, to the superior officer. It proceeds further with authorization given to conduct the investigation and thereafter, it culminates in arrest or seizure of the accused and of the contraband.

8. The issue raised is that the crime number is available in the arrest memo. At the time of granting permission to investigate, it is only to be taken that the FIR was already noted down and the word investigation itself commences only when FIR is taken on record. Therefore, there is nothing



wrong in putting the crime number in the arrest memo. There has been an earlier authorization to investigate into the information received regarding the cognizable offence. These are all the issues which can be put to cross examination on the Investigating Officer and not at the time of urging the bail application.

9. In view of all these facts and as I already decided above, this Criminal Original Petition is dismissed.

07.03.2024

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