



Crl.O.P.No.3863 of 2024

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C.V.KARTHIKEYAN,J.

The petitioner/A2 in C.C.No.314 of 2023, now pending before the Principal Special Judge, Special Court under EC & NDPS Act, Chennai, seeks bail. Originally, R.R.No.32 of 2022 had been registered by the respondent for the offences under Sections 8(c) r/w 20(b)(ii)(C), 25, 27-A, 28 and 29 of NDPS Act.

2.It is the case of the prosecution that they had received information about 65.540 kgs of ganja which had been seized from the stationery and accident prone Toyota Etios white colour car bearing Regn.No.KL-01-BN-5222 at Chennai – Vandalur bye-pass road near Red Hills on 24.07.2022. Simultaneously, further information had been received and on that basis, the respondent had apprehended A1. They had collected CCTV coverages of the accident in which the said Toyota car had taken place and it was found that it had dashed against another car and the petitioner who was in the driving seat had escaped from the place. The images from the CCTV camera had been collected and also



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appended to the counter filed for this petition. The accused was remanded to custody on 24.07.2023. Thereafter, further steps have been taken and A5 was apprehended at Virudunagar Railway Station who was travelling by Guruvayur Express on the same day. Thereafter, the statements were recorded.

3.Investigation proceeded further and all the accused were thereafter secured and final report had also been filed before the Special Court for EC and NDPS Act Cases, Chennai, and the same has been taken cognizance as C.C.No.314 of 2023.

4.The learned counsel for the petitioner contended that the petitioner is innocent and stated that it had been stated so in the counter. I am not able to find a place where the respondent have specifically stated that the petitioner is innocent in the counter affidavit. They have also annexed CCTV footage images in the counter affidavit and it is alleged that the person who was in the driving seat of the car from which the contraband was seized is the petitioner and that he had dashed against



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another vehicle and after that accident had run away. The images of the person running away has also been appended to the counter affidavit and it is the specific case of the respondent that the said person is the petitioner herein.

5.These are the aspects which can be established only during the course of trial. No further arguments had been advanced by the learned counsel for the petitioner with respect to the stipulations under Section 37 of NDPS Act, particularly, to hold that there are reasonable grounds that the petitioner is not guilty of the offences. If he has been in the driving seat of the car from which the contraband had been seized then, he is the person who should explain as to how the contraband came into the car and was found in the dicky. The contraband is not small quantity of ganja but 65.54 kgs which is commercial quantity.

6.The learned counsel for the petitioner also stated that the trial is not progressing before the Special Court for EC and NDPS Act Cases, Chennai. I am confident that the respondent would marshal their evidence



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and if they do so, the learned Special Judge would endeavour to record the evidence at the time when the witnesses are produced. The petition is dismissed.

13.03.2024

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