



Crl.O.P.No.5882 of 2024

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G.CHANDRASEKHARAN.J,

The petitioner, who was arrested and remanded to Judicial Custody on 03.09.2022 for the offence punishable under Sections 8(c) read with Section 20(b)(ii)(C), 27A, 28 and 29 of NDPS Act in C.C.No.314 of 2023 seeks bail.

2. The case of the complainant, in brief, is that, on 23.07.2022, Mr.M.P.Narendran, Junior Intelligence Officer, received an information over NCB office phone from a reliable source that, one Vishnu V., along with his associates Vipin Raj and Midhun, have procured around 60 Kgs. of Ganja in Andhra Pradesh and they will be crossing Karanodai Toll Plaza, Chennai, at around 03.00 hrs. on 24.07.2022. Mr.M.P.Narendran, put up this information report to the Superintendent for further orders. The Superintendent gave authorization to Mr.M.P.Narendran. Accordingly, Mr.M.P.Narendran, along with his team, visited the spot. They made arrangements for independent witnesses namely, Mani and one Baskar, after informing the purpose. At about 04.25 hrs., a white colour Toyota Etios car bearing Registration No.KL-01-BN-5222, came in rash manner and it was occupied by 3 persons. When Mr.M.P.Narendran along with his team approached the car and tried to introduce himself to the driver of the car, the driver suddenly took the car in



reverse direction and then, came forward and hit a mini pick up truck vehicle bearing Registration No.TN-20-AP-7132 and escaped. Despite the efforts made to chase the vehicle, they could not catch the car bearing Registration No.KL-01-BN-5222. Later, they found the said car near Red Hills in a broke down and stationary condition. On search, 32 nos. of Ganja packets were seized which weighed 65.540 kgs.

3. It is the submission of the learned counsel for the petitioner that, relying on the statement of the petitioner that petitioner was not aware that co accused Vishnu and Vipin Raj had planned to purchase the ganja from Siva @ Siva Prasad. There is no evidence to show that, he was part of the team which purchased ganja. The only incriminating piece of evidence available against the petitioner is that he was found in the car which contained 65 kgs of ganja, when the NCB team intercepted the the car at Karanodai Toll Plaza, Chennai. Petitioner. Petitioner had no conscious possession of the ganja. Therefore, he cannot be implicated in this case. Petitioner is in Judicial Custody from 03.09.2022, thus he seeks bail to the petitioner.



4. In reply to this submission, the learned counsel for the respondent submitted that, petitioner along with co-accused found in possession of 65 kgs of ganja. On interception by the NCB team, accused had not stopped the car in Karanodai Toll Plaza. On the other hand, they attempted to escape by dashing against other vehicle. On search, 32 nos of ganja packets were seized which weighed 65.540 kgs of ganja, which is commercial quantity in the dicky of the car.

5. Considered the rival submissions and perused the records. It is a case of illegal transportation and possession of 65 kgs of ganja, which is a commercial quantity. The learned counsel for the petitioner based on the confessional statement of the petitioner recorded by the police to impress this Court submitted that, petitioner had no knowledge about the procurement and possession of ganja. Obviously, petitioner cannot rely his own statement to extricate himself from this case. There are evidences in the form of photographs and oral evidence to prove that the car bearing Reg.No.KL-01-BN-5222 was intercepted at Karanodai Toll Plaza on 24.07.2022. Petitioner along with other accused Vishnu and Vipinraj instead of co-operating with the investigation, tried to escape by dashing the car against the other vehicle and escaped and thereafter, they were apprehended and remanded to judicial custody.



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6. From the documentary evidence available, there is a prima facie evidence available to form a opinion that, petitioner was involved in procurement and transportation of 65kgs of ganja, which is commercial quantity. Whatever defence open to him, it has to be projected only in the trail. As of now, there are incriminating material to implicate the petitioner in this case. Petitioner has not satisfied the twin conditions as contemplated under Sections 37 of NDPS Act to consider the bail petition in his favour. Thus, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original petition is dismissed.

28.03.2024

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