



Crl.O.P.No.10126 of 2024

Crl.O.P.No.10126 of 2024

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioner/A3 seeks bail in Crime No.216 of 2022 registered by the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29(2)(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The petitioner was arrested and remanded to judicial custody on 30.04.2022. It is stated that all the three accused, were found in transporting ganja weighing 60 kgs in a Tata Sumo Grand car bearing Registration No.TN-07-BF-2381. A1 was in possession of 30 kgs of ganja, the present petitioner/A2 was in possession of 16 kgs of ganja and A3 was in possession of 14 kgs of ganja. All three of them were travelling in the car and the contraband was seized individually from them. When they were arrested they were inside the car.

3. The earlier petition seeking bail had been dismissed on 22.01.2024 in Crl. O.P. No.624 of 2023. After that date, the prosecution has examined all the prosecution witnesses, but the counsel for the accused had not cross-



Crl.O.P.No.10126 of 2024

examined the witnesses and had filed application to recall the witnesses.

Thereafter, PW1 has been cross-examined, but further prosecution witnesses have to be cross-examined.

4. If the learned counsel for the accused cross-examines the witnesses whenever they are produced, only then would it be possible for the trial Court to dispose of the matter. It cannot pass judgment without granting opportunity of cross-examination.

5. The learned counsel for the petitioner also placed reliance on an order of a learned Single Judge of this Court in ***Crl.O.P.No.24874 of 2008 dated 30.10.2008, Suresh Vs. The Inspector of Police, Ennore Police Station, Chennai***, wherein, the learned Single Judge had observed as follows:

"3.The learned counsel further submits that Section 37 of N.D.P.S Act is not applicable in this case. Since as per the FIR it is stated that only 12 Kgs of Ganja was recovered from this petitioner and separate seizure Magazers were prepared and Ganja was seized from other accused also and for those seizure also separate Magazers were prepared.



WEB COPY



CrI.O.P.No.10126 of 2024

.....

5.As per FIR and Magazer the case of the prosecution is that totally there are four accused and each one had been in possession of Ganja separately and even according to the prosecution, the seizure was made separately from each of the accused and Magazer was prepared for each of the accused."

6. In the aforementioned case, the learned Single Judges had granted bail to the respective accused.

7. The facts in this case are different. The Ganja was seized from the vehicle in which all the three accused were travelling. They were altogether in the same vehicle. Therefore, each one of them would know that in the vehicle contraband was being transported. In view of the same, I am not inclined to grant bail to the petitioner. Hence, this petition stands dismissed.

03.07.2024

gsa



WEB COPY



Crl.O.P.No.10126 of 2024

C.V.KARTHIKEYAN,J.

gsa

Crl.O.P.No.10126 of 2024

03.07.2024