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CRL O.P. No.21331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.21331 of 2024

Al Hameen @ Ameen Allah S/o. Anwar Ali
Vs

... Petitioner /A1

State rep. by:-

The Inspector of Police,
Chitalapakkam Police Station, Chennai.
[Cr. No.98 of 2023]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 439 of the Code of Criminal Procedure, praying to grant bail to the petitioner/Accused in Crime No.98 of 2023 on the file of the respondent police.

For Petitioner : Mr. P. Veerananarayana

For Respondent : Mr. S. Vinoth Kumar
Government Advocate (Criminal side)

ORDER

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 17.03.2023 for the offences punishable under



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Sections 8(c), 20(b)(ii)(c), 29(1) and 25 of N.D.P.S. Act. in Cr. No.98 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.03.2023, based on the secret information, the respondent police conducted vehicle check up near Vels College Check Post and intercepted a Maruti Zen vehicle bearing Registration No.AP-05-AC-4447, in which A1 to A4 were travelling and while searching the said vehicle, this petitioner was found in illegal possession of 22 kgs of Ganja and A2 to A4 were found in possession of white colour plastic bags, each containing 10 kgs of Ganja. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner has been falsely implicated as an accused in this case for the offences under Sections 8(c), 20(b)(ii)(c), 29(1) and 25 of N.D.P.S. Act and he was remanded into judicial custody on 17.03.2023, that even as per the FIR, 22 kgs of contraband were recovered from this petitioner and the remaining contraband were recovered from other accused, that



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the respondent police have not followed the mandatory provisions, that already investigation was completed and charge sheet was also filed and the case was taken cognizance in C.C. No.484 of 2023 on the file of I Additional Court for exclusive trial of NDPS & EC Act cases, that the co-accused were arrested and granted bail by this Court, that there is no previous case pending against the petitioner. Hence he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that during the earlier occasion, the same type of arguments has been advanced by the petitioner and this Court, after elaborate hearing, dismissed the petition and there is no change of circumstances and the quantity of contraband involved in this case is commercial quantity. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering



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the quantity involved in this case is a commercial quantity, considering the gravity of offences and already this Court dismissed the bail application after elaborate discussion and considering the fact that there is no change of circumstances, I am declined to grant bail to the petitioner at this stage.

7. Accordingly, the Criminal Original Petition is **dismissed**.

30.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
mjs

To

- 1.The Principal Special Court under EC & NDPS Act, Chennai.
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Chitalapakkam Police Station, Chennai.
4. The Superintendent of Police, Central Prison, Puzhal, Chennai

P.DHANABAL,J

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