



Crl. O.P. No.20429 of 2024

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P. DHANABAL. J.,

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The petitioner/A3, who was arrested and remanded to judicial custody on 30.04.2022 for the offences under Sections 8(c), read with 20(b)(ii)(C), 25, 29(ii)(a) of NDPS Act 1985 in Crime No.216 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused were found in illegal transporting of 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, this petitioner/A2 was in possession of 16 kgs of ganja and A3 was in possession of 14 kgs of ganja and all three of them were travelling in the car and the contraband was seized individually from them. Hence the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He would further submit that the investigation in this case has been completed and therefore, further custody of the petitioner may not be required and he is a law-abiding citizen and he



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is ready to furnish substantial sureties in the event of his release on bail and therefore, he prays for the grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that when the respondent had conducted the vehicle check up, they found that the petitioner along with other accused were illegally transporting 60 kgs of Ganja in their four wheeler. He would further submit that the respondent had arrested the accused and recorded their confession statements and that the investigation in this case has been completed and taken up for trial before the learned Principal Special Judge (EC & NDPs Cases) Chennai. He further objected for granting bail to the petitioner by stating that the contraband seized from the accused is of commercial quantity and that it attracts Section 37 of NDPs Act, thereby, the petitioner has to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. The petition seeking bail filed by the co-accused had been dismissed on 23.08.2024 in Crl. O.P. No.20016 of 2024.

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

6. Considering the submissions made on both sides and considering the fact that the case is posted for cross examination of the Investigating Officer and also considering the quantity involved in this case which is commercial quantity, this



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Court is not inclined to grant bail to the petitioner. The arguments of the petitioner

counsel that there are contradictions between the prosecution witnesses in respect of

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recovery of the contraband alleged to have been recovered is not commercial

quantity are all to be argued before the trial Court at the time of final arguments and

it is for the trial Court to decide the same at appropriate time. Now this Court cannot

consider the said aspects, since the case is posted for examination of Investigating

Officer.

7. Hence, this criminal original petition stands dismissed.

03.09.2024

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