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CRL OP NO. 26592 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

CRL OP NO. 26592 of 2024

RAMESH

S/O GANESAN, NO,1/3015, THANTHAI PERIYAR
STREET, NAGATHAMMAN NAGAR, NALLUR,
REDHILLS, THIRUVALLUR, CHENNAI - 600 052

PETITIONER(S)

Vs

STATE REP BY

UNION OF INDIA NARCOTIC'S CONTROL
BUREAU, THROUGH INTELLIGENCE OFFICE,
CHENNAI ZONAL UNIT, CHENNAI (R.R.NO.32 OF
2021)

RESPONDENT(S)

For Petitioner(s):

R.RAJESH
J.PARTHIPAN
S.AARTHI
G.AJITHKUMAR
D.GOKULAVARMAN
AFFIDAVIT OF SERVICE FILED

For Respondent(s):

SPECIAL PUBLIC PROSECUTOR(NCB)

ORDER

The petitioner, who was arrested on 26.08.2021 for the alleged offences under Sections 8(c) r/w 22(c), 28 & 29 of NDPS Act, 1985, on the



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file of the respondent police, seeks bail.

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2. The case pertains to the seizure of 7.900 Kgs of amphetamine, a psychotropic substance, from one Jagadeeswaran near Karanodai Toll Plaza under the seizure Mahazar dated 24.08.2021.

3. The case of the prosecution is that the psychotropic substance was carried by Jagadeeswaran on the instructions of the petitioner, Ramesh, to whom it was supposed to be delivered. The petitioner was arrested by a team from the NCB based on the sharing of location by Ramesh and Jagadeeswaran for the purpose of delivering the contraband to him.

4. The learned counsel appearing for the petitioner states that the recovery of contraband was not made from the petitioner and that the petitioner is in prison for more than three years and therefore, following the dictum of the Hon'ble Supreme Court, the petitioner may be released on bail, de hors of the embargo under Section 37 of NDPS Act.



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5. The counter filed by the learned Special Public Prosecutor (NCB) appearing for the respondent reveals that the petitioner been involved in the illegal trade of transporting psychotropic substance from Guwahati and his complicity in the offence is corroborated by the co-accused and the statement of the accused given to the NCB under Section 67 of NDPS Act. As far as the trial is concerned, the prosecution has already examined six witnesses and the petitioner has not inclined to examine these witnesses. Therefore, the delay is not attributable to the prosecution. Hence the Hon'ble Supreme Court's dictum regarding bail does not apply to the facts of this case.

6. Considering the submissions and the nature of the offence, this Court finds that the petitioner cannot be released on bail in view of the embargo under Section 37 of NDPS Act and the petitioner's conduct in not cooperating and delaying the completion of the trial. Hence, this Criminal Original Petition stands dismissed.

17-12-2024

rpl



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To

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1. UNION OF INDIA
NARCOTIC'S CONTROL BUREAU, THROUGH
INTELLIGENCE OFFICE, CHENNAI ZONAL UNIT,
CHENNAI.