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CRL O.P. No.27033 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2024

CORAM

The Hon'ble Mr. Justice P.DHANABAL

CRL OP.No.27033 of 2024

1. Vijayaveeran S/o. Kumar
2. Raju S/o. Srirangan ... Petitioners / Accused-2 & 5

Vs

State rep. by:-

The Inspector of Police,
NIB-CID, Salem Police Station. ... Respondent
[Cr. No.50 of 2021]

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to grant bail to the petitioner/Accused in Cr. No.50 of 2021 on the file of the respondent police.

For Petitioners : Mr. R. Naresh Kumar

For Respondent : Mr. S. Balaji,
Government Advocate (Criminal
side)

ORDER

The petitioners / Accused who were arrested and remanded to



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judicial custody on 29.11.2024 for the offence punishable under Sections 8(c) read with 20(b)(ii)(C), 29(1) and 25 of NDPS Act in Cr. No.50 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 28.11.2021 at about 5 a.m., during the routine vehicle check up, near yernapuram junction Thiruchengodu to Namakkal, a vehicle bearing registration No.TN36 S 8838 Bolero Pick up was intercepted by the Nalipaalayam Police and found 140 pkts each contained 2 kgs of Ganja totally 279 kgs 900 grams. Hence the case.

3. The learned counsel for the petitioners would contend that the respondent police have registered a false case against the petitioners for the offences punishable under Section 8(c) read with 20(b)(ii)(C), 29(1) and 25 of NDPS Act. Investigation was completed and charge sheet was also filed in Spl. C.C. No.76 of 2022 and the petitioners have been arrayed as A2 and A5. Trial is not yet commenced. The petitioners are innocent persons and they are nothing to do with the alleged offences.



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They are in judicial custody from 29.11.2024. Therefore prayed to grant bail to the petitioners.

4. The learned Government Advocate (criminal side) would submit that A1 along with A2 to A9, conspired together and transported 340 kgs of Ganja in a Bolero Pickup vehicle bearing fake registration No.TN36 S 8838 illegally in which 60 kgs of Ganja was delivered to A4 and A5 for their personal gain. Investigation was completed and charge sheet was also filed. A9 was absconding and he was arrested on execution of NBW. The earlier bail applications were dismissed. If the petitioners/accused are let out on bail, they would not co-operate for trial. 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 made on either side, considering the fact that quantity of contraband involved in this case is a commercial quantity and considering the gravity of offences, this Court



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is declined to grant bail to the petitioner at this stage.

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7. Accordingly, the Criminal Original Petition is dismissed. The Special Court under EC & NDPS Act cases, Salem is directed to complete the trial within 3 months from the date of receipt of a copy of this order.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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P.DHANABAL,J
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To

4/5



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1. The Special Court under EC & NDPS Act cases, Salem
2. The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, NIB-CID, Salem Police Station.
4. The Superintendent of Police, Central Prison, Salem.

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