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CRL OP. 27900 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **09-12-2024**

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP. 27900 of 2024

MURALI
S/O.EALAIYA, TAD AKOTHA KUPPAM
THIRUPATHI DISTRICT,
ANDHRA PRADESH.

APPELLANT(S)

Vs

THE STATE REP BY ITS,
THE SUB INSPECTOR OF POLICE,
GUDUVANCHERRY,
PEW CHENNAI DISTRICT
CR.NO.6 OF 2024.

RESPONDENT(S)

For Appellant(s): M.NARESH

**For Respondent(s): MR.S.BALAJI,
GOVERNMENT ADVOCATE (CRL.SIDE)**

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.01.2024 for the offences punishable under Sections 8(c), 20(b)(ii), 29(1) of NDPS Act, in Crime No.6 of 2024 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that based on the secret information about the illegal transport of narcotic substances, the respondent police and his team went to the scene of occurrence at Urapakkam Tea shop nearby bus stop, where they found the petitioner along with other accused was found in illegal possession of 52 kgs of ganja. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submitted that the petitioner is an innocent person and a false case is foisted against him and he is in no way connected with the crime, and that nothing was actually recovered from him. He further submits that the quantity of contraband allegedly seized is intermediate quantity and hence restrictions imposed in Section 37 of NDPS Act does not apply. He further submitted that the petitioner is in custody from 06.01.2024 and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police raised an objection stating that when the



respondent police received a secret information about the illegal transport of narcotic substances, they went to the scene of occurrence, wherein they found the petitioner along with other accused is in possession of 52 kgs of ganja, which is a commercial quantity. He further submitted that the specific overt act against this petitioner, is that based on their confession statements, it was revealed that the accused persons bought the above contrabands from Andhra Pradesh and sell the same for their personal gain. He further submitted that from this petitioner, 22 kgs of ganja was recovered, which is also a commercial quantity. He further submitted that the investigation was completed and the charge sheet was filed and the case is taken on file in C.C.No.502 of 2024 pending on the file of I Additional Special Court for EC & NDPS Act, Chennai. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. Considering the representation made by both side counsel, grave nature of offence and the quantity of contraband involved is a commercial



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quantity, already investigation was completed and charge sheet was also filed and now the case is posted for trial and the grounds raised by the petitioner is that no contraband was recovered from this petitioner and the entire contraband was recovered from the first accused, and the same has been decided at the time of examination of witnesses before the trial court, and already this court dismissed the earlier bail application and there is no change of circumstances, therefore at this stage, it is not appropriate to consider the bail application of the petitioner. Hence, this Criminal Original Petition stands dismissed.

09.12.2024

To

1. THE STATE REP BY ITS,
THE SUB INSPECTOR OF POLICE,
GUDUVANCHERRY,
PEW CHENNAI DISTRICT
CR.NO.6 OF 2024.

DRL

P.DHANABAL, J.



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drl

Crl.O.P.No.27900 of 2024

09.12.2024