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CRL O.P. No.28509 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.28509 of 2024

Gowtham Tharadas S/o. Ganesh Tharadas ... Petitioner / Accused-2
Vs

State rep. by:-

The Inspector of Police,
PEW, CBE City,
Coimbatore. ... Respondent
[Cr. No.339 of 2024]

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.339 of 2024 on the file of the respondent police.

For Petitioner : Mr. S. Arjun

For Respondent : Mr. S. Balaji
Government Advocate
[Criminal side]

ORDER

The petitioner / Accused, who was arrested and remanded to judicial custody on 18.05.2024 for the offences punishable under



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Sections 8(c), 20(b)(ii)(B), 22(c), 25 and 29(1) of NDPS Act, 1985 in Cr.

No.339 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.05.2024, at about 15.45 hrs, based on the secret information, the respondent police intercepted the two wheeler vehicles bearing Registration No.TN11 P 8703, TN66 Q 2911 and TN66 Q 5124 nearby Pioneer Steel Corporation Kavundanpalayam Road and found the accused in possession of 63 grams of Methamphetamine and 1.100 gms of Ganja. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioner for the offences punishable under Sections 8(c), 20(b)(ii)(B), 22(c), 25 and 29(1) of NDPS Act, 1985 and the petitioner was arrested and remanded to judicial custody on 18.05.2024. As per the prosecution case, this petitioner and other accused were in illegal possession of Methamphetamine and Ganja and from this petitioner 63 gms of Methamphetamine were recovered. In fact, no any recovery was made



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from this petitioner and false case has been foisted against the petitioner and already all the co-accused were released on bail and the petitioner is in custody for more than 6 months and prayed to grant bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner and other accused had illegally possessed Methamphetamine and Ganja and from this petitioner, 63 gms of Methamphetamine has been recovered, which is a commercial quantity and also 1.1. kgs of Ganja was also recovered from this petitioner. Though the petitioner has no previous case pending against him, the quantity is a commercial quantity and 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 the quantity of contraband involved in this case is a commercial quantity and the offences charged against the petitioner are grave in nature, that though the co-accused were released on bail, the



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quantity of contraband recovered from the other accused are not of commercial quantity and hence bail was granted to them, but from this petitioner, the contraband recovered is a commercial quantity and hence this Court declined to grant bail to the petitioner at this stage.

7. Accordingly, the Criminal Original Petition is dismissed.

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

- 1.The Additional District Judge / Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore.
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, PEW, CBE City, Coimbatore.
4. The Superintendent of Police, Central Prison, Coimbatore.

P.DHANABAL,J
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