



Crl.O.P.No.27859 of 2023

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G.CHANDRASEKHARAN. J.

This Criminal Original Petition is filed praying to enlarge the petitioner on bail pending trial in C.C.No.77 of 2022 on the file of Special Court for EC and NDPS Act Cases, Salem.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in C.C.No.77 of 2022 on the file of the Special District and Sessions Judge for EC and NDPS Act Cases, Salem registered for the offences under Sections 8(c) read with Section 20(b)(ii)(cc), 28 and 29 of NDPS Act. The information report produced by the NCB Officer speaks only about the accused Damodaran, Paramasivam and Easwaramoorthy and nothing is stated about petitioner. Petitioner is running transport business called 'Manchester Transport' and used to give vehicles for hire. Petitioner is implicated on the ground that he has escorted Ashok Leyland Dost Vehicle bearing No.TN 33 BC 5243 with ganja, along with co-accused Easwaramoorthy in a vehicle bearing No.TN 39 BL 7456. No recovery of any contraband was made from the



Crl.O.P.No.27859 of 2023

aforesaid vehilce, in which, petitioner was travelling, nor from the person of the petitioner. Easwaramoorthy had a criminal case pending in S.C.No.150 of 2019 on the file of II Additional District Judge Court, Vijayawada. Petitioner had only accompanied Easwaramoorthy for the hearing of the case. Apart from that, he has no connection whatsoever in the alleged illegal procurement of ganja. Petitioner is an MBA graduate doing vehicle business and paying GST. He has no history of involving in NDPS offence. Petitioner is in Judicial Custody from 22.11.2021. Thus, he seeks bail to the petitioner.

3. It is seen that, earlier bail petition filed by the petitioner in Crl.O.P.No.8512 of 2023 was considered elaborately and dismissed on 17.07.2023. Now, the learned counsel for the petitioner filed this petition stating that, petitioner was arrested on 20.11.2021 and his cell phone was seized, However, he has records to show that, petitioner had money transaction using his cellphone from 19.11.2021 to 21.11.2021. In support of his submission, he produced the basic statement. However, on going through the records, this Court find that, petitioner was arrested only on 21.11.2021. There is no material placed to show the time of



Crl.O.P.No.27859 of 2023

seizure of cell phone. Merely because of the fact that there was money transaction on 20.11.2021 and 21.11.2021, using petitioner's cell phone bearing No.9952778899, we cannot now decide that, petitioner was falsely roped in this case. There are incriminating materials like cell phone conversations among the accused, prior to, during and after procurement of the ganja. Call details show that the petitioner was in Andhra Pradesh multiple times, especially during the period from 15.11.2021 to 19.11.2021. He had conversation with 1st accused through his cell phone. There are reasonable ground to believe that, petitioner had committed the offences alleged against him under Section 8(c) read with Section 20(b)(ii)(c), 28 and 29 of NDPS Act. The ganja involved in this case is commercial quantity. There is prima facie material available to believe that petitioner has been a part of the group of accused in procuring and transporting ganja. This Court is of the view that, petitioner has not satisfied the twin conditions under Section 37 of NDPS Act for grant of bail.



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Crl.O.P.No.27859 of 2023

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4. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

04.04.2024

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Crl.O.P.No.27859 of 2023