



WEB COPY



CRL O.P. No.30235 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.30235 of 2024

1. Nabeel S/o. Nasar.
 2. Jamsheed S/o. Abul Rasheed
- ... Petitioners / Accused-1 & 2

Vs

State rep. by:-

The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
[Cr. No.228 of 2023]

... Respondent

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.228 of 2023 on the file of the respondent police.

For Petitioners : Mr. K.C. Paul Kanagaraj

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

ORDER



CRL O.P. No.30235 of 2024

The petitioners / Accused who were arrested and remanded to judicial custody on 17.06.2023 for the offence punishable under Sections 8(c) and 20(b)(ii)(C) of NDPS Act in Cr. No.228 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 16.06.2023, based on the secret information, the Special Inspector of Police along with his team went to the scene of occurrence near Service Road, Periyampatti, Krishnagiri to Dharmapuri Road and found the accused persons 1 and 2 were standing near their Maruthi Swift Car bearing Registration No.KL46 H 4497 and were illegally selling the contraband and when they were enquired and searched, they were found in illegal possession of 30 kgs of Ganja, which is a commercial quantity. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioners for the offences punishable under Sections 8(c) and 20(b)(ii)(C) of NDPS Act. Investigation was completed and charge sheet was also filed in Spl.



CRL O.P. No.30235 of 2024

C.C. No.168 of 2023 and the petitioners have been arrayed as A1 and A2. The petitioners are innocent persons and they are nothing to do with the alleged offences. As per the prosecution, the quantity of contraband involved in this case is a commercial quantity. In fact, the petitioners were found jointly in possession of 30 kgs of Ganja and only 15 kgs per head, which is not a commercial quantity. The respondent police have not followed the mandatory provisions under Sections 42, 50, 52(A) and 57 of NDPS Act. The earlier bail applications filed by the petitioners were dismissed. The petitioners are in judicial custody from 17.06.2023. Therefore prayed to grant bail to the petitioners.

4. The learned Government Advocate (criminal side) would submit that when the respondent police conducted patrol duty near Service Road, Periyampatti Junction, Karimangalam to Dharmapuri Road, they found one Maruthi Swift Car bearing registration No.KL46 H 4497 was parking in the Road corner in a suspicious manner and the accused A1 and A2 were inside the car and on seeing the respondent police, they tried to escape and the respondent police secured them and conducted



CRL O.P. No.30235 of 2024

search in the car and found 30 kgs of dry Ganja was kept inside the car illegally for transporting. Thereafter, the respondent police arrested A1 and A2/the petitioners herein. During the investigation, it came to know that the petitioners/A1 & A2 purchased the contraband from Odisha and were selling the same in Kerala. The said 30 kgs of Ganja along with Car were seized and the samples were sent for analysis and report has also been obtained. Investigation was completed and charge sheet was also filed. Now the case is pending in Spl. C.C. No.168 of 2023 on the file of the Special Court for EC & NDPS Act, Salem at the stage of examination of witnesses. 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 petitioners.

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



CRL O.P. No.30235 of 2024

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

WEB COPY

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.

17.12.2024

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

P.DHANABAL,J
mjs

To

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

5/6



WEB COPY



CRL O.P. No.30235 of 2024

CRL O.P. No.30235 of 2024

17.12.2024