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Crl.O.P.No.30334 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.30334 of 2024

Venkatesh

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
T-1 Ambattur Police Station,
Chennai District.
Crime No.236 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleaded to enlarge the petitioners on bail in C.C.No.876 of 2024 pending on
the learned Principal Special Court under EC & NDPS Act, Chennai.

For Petitioners : Mr.P.Muthamizhselvakumar

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.03.2024, for the alleged offence punishable under Sections 8(c), 22(c),



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25, 29(1) of NDPS Act, in Crime No.236 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.03.2024, based on the secret information about illegal sale of Methamphetamine, the respondent and his team went to the place of occurrence, during which, they found that the petitioner along with other accused persons is in possession of 180 gram Methamphetamine. The respondent, after completion of investigation, filed a final report and the case has been taken up for trial in C.C.No.876 of 2024 on the file of the Principal Special Court under NDPS Act Cases, Chennai. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submitted that the similarly placed co-accused in this case has been granted bail by this Court. He also submitted that the contraband was not recovered from the petitioner and that it was in the joint possession of 180 grams; that



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the petitioner is not the owner of the vehicle and even according to the prosecution, there are no documents to show that the vehicle stands in the name of the petitioner; and that based on the confession of A1 and A2, the petitioner name has been implicated as an accused; that the entire contraband was recovered from A1 and A2. He further submits that the petitioner was arrested and is in judicial custody from 11.03.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant bail for the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are totally 4 accused in this case and the petitioner herein is ranked as A3; that based on the secret information about illegal sale of Methamphetamine, the respondent and his team went to the place of occurrence, during which, they found that the petitioner along with other accused persons were found in possession of 180 gram Methamphetamine. Then the respondent police arrested the accused person A1 and A2, based on their confession statement, petitioner herein was implicated as an accused A-3; and that from the petitioner 60 grams of Methamphetamine was seized from him. During investigation, it was



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revealed that the accused persons A1 and A2 bought the above contrabands from one unknown person at redhills and the same was sold for their personal gain; and that lab report was obtained; and the investigation is still pending. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the representation made by both side counsel, the quantity of contraband involved is a commercial quantity, and now the case is posted for trial, so far, not even the witnesses have been examined, considering the gravity of the offence, and since this court has already dismissed the earlier bail application and there are 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 is dismissed.

13.12.2024

drl



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To

1.The The Inspector of Police,
T-1 Ambattur Police Station,
Chennai District.

2.The Public Prosecutor,
High Court, Madras.



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P.DHANABAL, J.

drl

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