



Crl.O.P.No.30580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

Crl.O.P.No.30580 of 2024

Nagireddi Ramana

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
PEW-Guduvanchery Police Station,
Chennai.
Crime No.62 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS,
pleased to enlarge the petitioner on bail in Crime No.62 of 2024 pending
investigation on the file of the respondent police.

For Petitioner : Mr.S.Kasirajan

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

ORDER

This Criminal Original Petition has been filed by the petitioner,



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who was arrested and remanded to judicial custody on 25.02.2024, seeking

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bail in Crime No.62 of 2024, registered for the offence punishable under Section 8(c), 20(b)(ii)(c) and 29(1) of NDPS Act.

2. The case of the prosecution is that on receipt of the secret information about the illegal transportation of ganja, the respondent police and his team went to the Vandalur bus stand on Chengalpattu margam, where they found that the accused were in illegal possession of 10 kilograms of ganja. Based on the confession statement, the respondent police seized 320 kgs of ganja in 2 white gunny bags under the Ottery Railway Track Bridge, which was also seized by the respondent police. 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 he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that originally from the petitioner 10 kgs of ganja was only recovered and thereafter based on the confession statement of all the accused, the respondent police recovered the entire contraband. He further submitted that the petitioner is in custody from 25.02.2024 and the petitioner is ready to



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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 there are totally three accused in this case and the petitioner herein is arrayed as A3. He further submits that when the respondent police received a secret information about the illegal transportation of ganja, they went to the scene of occurrence, wherein they found the petitioner along with other accused is in possession of 320 kgs of ganja, which is a commercial quantity. He further submitted that from this petitioner, 100 kgs of ganja was recovered, which is also a commercial quantity. He further submitted that the specific overt act against this petitioner is that, based on the confession statements of accused A1 and A2, they went to Andhra Pradesh and purchased the contraband to try and sell it in the local area for their personal gain; and that the petitioner has one previous case, similar in nature, pending against him. He further submitted that the investigation was completed and the charge sheet was also filed and the case is taken on file in C.C.No.514 of 2024 pending on the file of I Additional Special Judge of NDPS & EC Act Cases at Chennai and the next hearing date is 17.12.2024 for engaging counsel. Hence, he vehemently



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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 quantity, according to the prosecution case from this petitioner 100 kgs of ganja was recovered, however the contention of the learned counsel for the petitioner is that only 10 kgs of ganja alone was recovered from this petitioner and thereafter based on the confession statements of all the accused, the entire contraband was recovered, which is a false statement and this matter cannot be decided at this stage and the same has been decided at the time of examination of witnesses before the trial court; considering that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act; and the petitioner has one previous case in similar kind of offence in Andhra Pradesh, therefore at this stage, it is not appropriate to consider the bail application of the petitioner. Hence, this Criminal Original Petition stands



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dismissed.

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P.DHANABAL, J.



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drl

To

- 1.The Inspector of Police,
PEW-Guduvanchery Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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