



CrI.O.P.No.1306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.1306 of 2025

Yogeshwaran

... Petitioner

Vs.

The State rep. by
The Inspector of Police
PEW, St. Thomas Mount Police Station
Chennai.
(Crime No.02 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in connection with C.C.No.31 of 2024 on the file of the II Additional Special Court for exclusive trial of cases under EC and NDPS Act at Chennai.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

Petition seeking bail in connection with C.C.No.31 of 2024 on the file



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of the II Additional Special Court for exclusive trial of cases under EC and NDPS Act at Chennai, in respect of Crime No.02 of 2024 registered for the offences punishable under Sections 8(c), 20(b)(ii)(B) of NDPS Act, 1985 is on board for consideration.

2.The incarceration of the petitioner being from 02.01.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that in this matter investigation has been completed and final report has been filed before the Court concerned. He also submits that the contraband seized from the petitioner is not a commercial quantity and no previous has been pending against the petitioner. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner was found to be in possession of 26 kgs of ganja. He



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further submits that in this matter investigation has been completed and charge sheet has been filed in C.C.No.331 of 2024 before the learned Principal Special Court under EC & NDPS Court, Chennai. He further submits that if the petitioner is released on bail, there is every possibility of him absconding and not available for trial.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this Court is of the opinion that the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act and considering the period of incarceration undergone by the petitioner, this court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

24.01.2025

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A.D.JAGADISH CHANDIRA, J.

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To

1.The Inspector of Police,
PEW, St. Thomas Mount Police Station
Chennai.

2.The Public Prosecutor,
High Court of Madras.

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24.01.2025