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Crl.O.P.No.3227 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.3227 of 2025

Dineshbabu

...Petitioner/Accused No.1

Vs.

The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
(Crime No.804 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.834 of 2024 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Muthuraja

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 10.11.2024, seeking bail



in Crime No.804 of 2024 registered for the offence under Sections 8(c) read with 20(b)(ii)(C), 25 & 29(1) of NDPS Act, 1985.

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2. The case of the prosecution is that the petitioner along with two other accused was found in illegal possession of 21 kgs 100 grams of ganja.

Hence the case.

3.The learned counsel for the petitioner would submit that the co-accused were arrested and released on bail and that the petitioner was not arrested in the manner as alleged by the prosecution.

4.Per contra, the learned Government Advocate (Crl. Side) would submit that the allegations against the co-accused are different; that no contraband was seized from them; and that they were implicated on the confession of the petitioner/A1.

5. The case of the prosecution is that the petitioner was found in illegal possession of 21 kgs 100 grams ganja. Though it is the case of the petitioner that he was not arrested in the manner stated by the prosecution,



there is no evidence to substantiate the same. Considering the aforesaid facts and circumstances of the case and since the twin conditions under Section 37 of NDPS has not been complied with, this Court is not inclined to grant bail to the petitioner at this stage.

6. Accordingly, this Criminal Original Petition is dismissed.

10.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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