



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.4908 of 2025

Prakash

...Petitioner/Accused 1

Vs.

State rep by
The Inspector of Police,
NIB-CID Police Station,
Chennai District.

(Crime No.54 of 2024)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioners on bail in Crime No.54 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Krishnamoorthy

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 07.11.2024, seeking bail



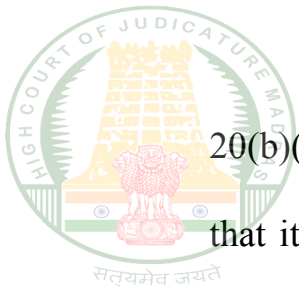
in Crime No.54 of 2024 registered for the offence under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act.

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2.It is the case of the prosecution that on a secret information, the respondent and their officials conducted vehicle checkup; that they intercepted a vehicle bearing Registration No.TN-84-Z-6923 and found the petitioner in possession of 21 kgs of ganja and the co-accused in possession of 21 kgs of ganja. Hence the case.

3.The learned counsel for the petitioner would submit that the FIR would state that there was 20 packets each containing 2 kgs of ganja and hence the alleged possession of 21 kgs of ganja is false and that considering the nature of allegations and the period of incarceration, the petitioner may be released on bail.

5.Per contra, the learned Government Advocate (Crl. Side) has filed a counter affidavit and submitted that the petitioner was involved in a previous case in which he was sentenced to rigorous imprisonment for three years in C.C.No.81 of 2020 for the offences under Sections 8(c) r/w



20(b)(ii)(C), 20(b)(ii)(B), 27A and 29(1) of NDPS Act. He further submitted that it was a joint possession and the petitioner had possessed commercial quantity of ganja.

6.It is seen that the seizure from the petitioner and the co-accused was 42 kgs of dried ganja, which is the commercial quantity. The petitioner has to satisfy the twin conditions required under Section 37 of the NDPS Act.

7.Considering the fact that the petitioner has one previous case in which he was convicted and the nature of allegations, this Court is of the view that the petitioner has not satisfied the requirement of twin conditions under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner at this stage.

8.Accordingly, this Criminal Original Petition is dismissed.

17.03.2025

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SUNDER MOHAN, J.

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