



WEB COPY



Crl.O.P.No.7833 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7833 of 2025

Dalaram

... Petitioner/A1

Vs.

The State Rep by
The Inspector of Police,
NIB – CID, Coimbatore.
In Crime No.44 of 2023

... Respondent

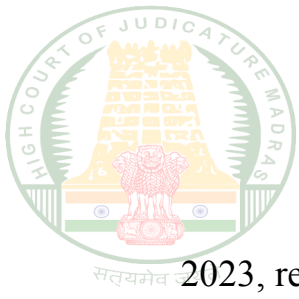
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner, concerned in C.C.No.1 of 2024, on the file of the learned Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore.

For Petitioner : Mr.S.M.Muralidharan
for Mr.N.Senthil Kumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2023, for the offence punishable under Section 8(c), 20(b), (ii)(C), 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and 7, 24(1) of Cigarette and other Tobacco Products Act 2003 in Crime No.44 of



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2023, registered on the file of the respondent, seeks bail.

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2. The contention of the petitioner is that the petitioner/A1 was arrested on 11.07.2023 and only two mobile phones have been seized from him. In this case, A2, who is said to be the seller of the Ganja Chocolate and banned tobacco products, was granted bail by this Court in Crl.O.P.No.28706 of 2023 dated 11.01.2024. With regard to the other accused, A3, Kishore from Bangalore and and A4, Vengadesh @ Vengadeshwaran from Tiruppur, are said to have absconded. In this case, the charge sheet was filed as early as on 29.12.2023, and it was taken on file on 04.01.2024 and so far there is no progress in this case.

3. The case projected against the petitioner is that the petitioner is the owner of the Toyato ETIOS car bearing registration No.TN 65 AA 3606 and the Shop/Godown in which narcotic contraband has been seized. After completion of the investigation, charge sheet has been filed listing 24 witnesses and none of the witnesses spoken anything about against the petitioner. Even in the materials produced, the Ganja Chocolate and tobacco products were shown to be recovered from others. In the listed materials only with regard to the mobile phone and car has been projected against the



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petitioner.
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4. Learned counsel for the petitioner submits that referring to the statement of one Geetha, who admits that she was the original owner of the car and she sold the car to one Rajesh of Perundurai, and the said Rajesh sold it to the petitioner, but the Rajesh has not been examined as a witness. Likewise, the Shop/Godown owner, one Udaykumar, has been examined, who placed the goods to show that the petitioner had taken a portion of the Godown for rent for doing business, and on 07.07.2023, the police had come and seized Ganja Chocolate and banned tobacco products. No rental agreement or any document was produced to show that the petitioner was in possession of the property and used the same for stocking Ganja and tobacco contraband. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

5. A counter affidavit was filed by the respondent Police.

6. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of bail to the petitioner,



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reiterated the prosecution case and submitted that in this case 240 kg of Ganja Chocolate and 501 Kg of COPTA products, which come under commercial quantity, have been seized. The petitioner was arrested, who was sitting in the Godown from where the contrabands were seized. In this case, investigation was completed, and the charge sheet was made ready on 29.12.2023 and thereafter filed before the Trial Court. The Trial Court had assigned C.C.No.1 of 2022 on 04.01.2024 since A3 and A4 were arrested and the NBW case is pending. Now steps have been taken to proceed with the trial without delay.

7. He further submits that in this case, on getting secret information, the respondent police had proceeded to the scene of occurrence in the presence of the witnesses. The petitioner/A1 on arrest, had given a confession that A3 brought the contraband from Bangalore and kept it in Godown and divided it between A2 and A4; they sold the contraband to wholesale retailer. The samples of contraband were sent for examination, and a report was given confirming that the contraband contained narcotic substances.



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8. L.W-20 is the other witness, owner of the car who confirms that the car has been sold by Rajesh to the petitioner, and L.W-9 is the observation mahazar witness, who confirms that the petitioner had taken the Godown for rent and stocked the contraband for sale.

9. It is further submitted that the petitioner's contentions are factual in nature and can be decided only at the trial. However, the petitioner is unable to overcome the bar under Section 37 of the NDPS Act. Hence, he strongly opposed the granting of bail, as the petitioner is the same accused in the NDPS case involving commercial quantity, and *prima facie* materials have been brought against the petitioner.

10. Considering the facts and circumstances of the case, submissions made by the learned counsels on either side, this Court is not inclined to grant bail, and the **Trial Court is directed to expedite the trial and conclude the trial within a period of six months from the date of this order.** It is seen that the majority of the witnesses are almost present, and this Court is directed to complete the trial within a stipulated period as stated *supra*.



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M.NIRMAL KUMAR.J

11. With the above observations and direction, **the criminal original petition stands dismissed.**

04.06.2025

cda

To

- 1.The Additional District Judge,
Special Court for Essential Commodities Act Cases,
Coimbatore.
- 2.The Inspector of Police,
NIB – CID, Coimbatore.
- 3.The Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

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