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CrI.O.P.No.30197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

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

CrI.O.P.No.30197 of 2024

B.Jiban Biswas

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Pallikaranai PEW,
Tambaram City PEW,
Chennai.
Crime No.54 of 2024.

... Respondent

For Petitioner : Mr.M.G.Martinmanivannan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 12.02.2024, seeking bail in Crime No.54 of 2024, registered for the offence punishable under Sections 8(c), 20(b)(ii)(C), 29(1) & 25 of NDPS Act, 1985.



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2. The case of the prosecution is that the petitioner along with other accused were found in possession of 101 kgs of ganja. Hence, the complaint.

3. Learned counsel appearing for the petitioner would submit that the respondent police has registered a false case against the petitioner for the offence under Sections 8(c), 20(b)(ii)(C), 29(1) & 25 of NDPS Act, 1985, in Crime No.54 of 2024, he has not committed any offence as alleged in the FIR and he is an innocent person who has been falsely implicated in this case. He further submitted that the petitioner is in custody from 12.02.2024 and the investigation is completed and the charge sheet was also filed, at the time of arrest and the seizure of contraband, the procedures under Section 42 of NDPS have not been followed by the respondent police. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused were found in possession of 101 kgs of ganja. This petitioner has been arrayed as



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A1. He further submits that this petitioner travelled in a car which loaded with contraband of commercial quantity, already the investigation was completed and the case is posted for examination of witnesses, the petitioner was actively participated in the crime; and if he released on bail, there may be chance for absconding and hence he prayed to dismiss for bail petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. In this case, the quantity of contraband involved is a commercial quantity. According to the prosecution, the petitioner along with other accused, transported the contraband in a car, and the said contraband was recovered from all the accused. Though investigation is completed, the offence are grave in nature. Since the quantity of contraband is a commercial quantity, the conditions under Section 37 of the NDPS Act have to be complied with, and in this case there is no compliance with the conditions under Section 37 of NDPS Act. Since the case is posted for trial, it is for the petitioner to participate in the trial and to establish the non-compliance of



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Section 42 of the NDPS Act. At this stage, considering the gravity of

P.DHANABAL, J.

drl

offence, and the facts and circumstances of the case, this Court is declined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

03.01.2025

drl

To

- 1.The Inspector of Police,
Pallikaranai PEW,
Tambaram City PEW,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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