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Crl.O.P.No.31921 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

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

Crl.O.P.No.31921 of 2024

Aravind Balaji

... Petitioner

Vs.

The State,
Rep. by the Inspector of Police,
V-3, J.J.Nagar Police Station,
Chennai.
Cr.No.728 of 2024

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.728 of 2024, pending on the file of the respondent Police.

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

ORDER

Petition seeking bail in respect of Crime No.728 of 2024 registered for the offences under Sections 8(c) r/w 22(c) and 29(1) of the NDPS Act, 1985 @ under Section 8(c) r/w 22(c), 20(b)(ii)(B) and 29(1) of the NDPS Act, 1985, is on



board for consideration.

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2. The case of the prosecution is that based on the secret information, the respondent and his team conducted a search near the EB Park, Mugappair East, where, they found that the accused/petitioner was in illegal possession of 17 numbers of LSD stamps, 48 numbers of MDMA (Ecstasy Pills), 1,400 kgs of Ganja and 8 grams of OG ganja. Hence the case.

3. The incarceration of the petitioner being from 06.11.2024 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 the quantity recovered from the petitioner is 48 MDMA tablets weighing 20 grams and possession of 10 grams of OG ganja, which is not a commercial quantity. He further submits that the co-accused have been granted anticipatory bail. Hence, he prayed for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) would submit that the quantity of contraband recovered from the petitioner is a commercial quantity. Based on the confession of the petitioner, the contraband recovered from the other accused is an intermediate quantity, and therefore bail



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was granted to them. He further submits that the petitioner has not satisfied the twin conditions required under Section 37 of NDPS Act. Hence, he objected for grant of bail to the petitioner.

5. 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.

6. Taking into consideration the above fact that the contraband received from the petitioner is a commercial quantity and that the investigation is in a nascent stage, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

02.01.2025

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To

1.The Inspector of Police,
V-3, J.J.Nagar Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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