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CrI.O.P.No.32305 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

CrI.O.P.No.32305 of 2024

Abraham Bhatra

... Petitioner

Vs.

The Inspector of Police
PEW Guduvanchery Unit
Chengalpet District

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.521 of
2024, pending on the file of the II Additional Special Judge at Chennai in
connection with Crime No.55 of 2024.

For Petitioner : Ms.S.Radhika

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who
was arrested and remanded to judicial custody on 20.02.2024, seeking bail in
Crime No.55 of 2024 for the alleged offences punishable under Sections 8(c) read



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with Section 20(b)(ii)(C) and 29(1) of NDPS Act in C.C.No.521 of 2024.

2.The case of the prosecution is that the petitioner along with other accused was found to be in possession of 104 kgs of ganja, which is a commercial quantity.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner has not committed any offence as alleged by the prosecution, however, he is in custody from 20.02.2024. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner. He further submitted that this is a third bail application and the petitioner is a native of Odissa and he does not know local language. He further submitted that at the time of arrest, the petitioner was not given proper legal assistance.

4.Learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed for granting bail to the petitioner stating that the petitioner along with other accused were found in possession of 104 kgs



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of ganja, which is a commercial quantity and the contraband seized from the petitioner is 40 kgs of ganja. He also submitted that, investigation in this case has been completed and charge sheet also filed. He further submits that in this matter investigation has been completed and the case is pending trial in Spl.C.C.No.521 of 2024 on the file of the II Additional Special Judge for EC & NDPS Act, Chennai.

5. Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances of the case, this Court is of the view that the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act. Hence, 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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A.D.JAGADISH CHANDIRA, J.
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To

1.The II Additional Special Judge,
Chennai

2.The Inspector of Police
PEW Guduvanchery Unit
Chengalpet District

3.The Public Prosecutor,
High Court of Madras.

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