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CRL OP NO. 32270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32270 of 2024

POONGODHAI

W/o. Amulraj, 16, Agathiyar Street, Teachers Colony,
Erode District

Petitioner(s)

Vs

The Stare Rep By,
Intelligence Officer, Narcotic Control Bureau,
Chennai Zonal Unit, Chennai - 600090

Respondent(s)

For Petitioner(s):

M/s. P.Santhosh
R.Sridharan
Guber.N

For Respondent(s):

M/s N.P.Kumar, Special Public Prosecutor For NCB Casess

ORDER

Petition seeking bail in respect of R.R.No.45 of 2024 registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, is on board for consideration.



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2. The case of the prosecution is that based on a secret information, the respondent had conducted a search near lorry parking area, CTH road, opposite to Tata Steel Downstream Product Ltd., Thirunintravur, Tiruvallur on 25.09.2024 and effected a seizure of 2 kilograms of Ganja from a Maruti Eco vehicle bearing registration No.TN-48-Q-6760 and arrested 1 and 2. Based on the confession statement recorded from the first accused, on 26.09.2024, the respondent had seized 50.7 kilograms of Ganja, which was thrown by A1 with the help of A2 into the bushes beside Chennai – Srikakulam Highway in Tadepalle area while they were coming to Tirupur from Andhra Pradesh. Further, based on the confession statement recorded from the arrested accused, the petitioner/A3 herein, who acted as a Financier cum organizer to A1 and A2, was arrested. Thereby, the case has been registered under Sections 8(c) r/w 20(b)(ii)(C), 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985. Hence the case.

3. The incarceration of the petitioner/A3 being from 28.09.2024 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 further submits that initially, the petitioner was issued with summons for enquiry, whereas, on appearance, she was arrested. He also submits that the petitioner was arrested only based on the confession statement recorded from the other accused and other than



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that, there is no other material to connect the petitioner to the crime. He further submits even as per the prosecution, the alleged contraband is stated to have been recovered from the first and second accused and there is no recovery from the petitioner. He also submits that the petitioner is ready to produce sufficient sureties and also ready to abide by any stringent condition that may be imposed by this Court.

4. Learned Special Public Prosecutor For NCB Cases appearing for the respondent submits that the first and second accused were found to be in possession of 52.700 kilograms of Ganja, which is a commercial quantity, and based on their confession, the petitioner/A3 herein was arrested, since she played a significant role in the procurement of the contraband and in the illicit trafficking of the same with the other accused and further, she acts as a Financier cum Organizer in the crime. He further submits that during the course of investigation, it came to light that the petitioner/A3 was found guilty and convicted by the Special Court under EC/NDPS Act, Coimbatore, in C.C.No.98 of 2020 dated 25.08.2022 in connection with Crime No.46 of 2020 registered on the file of the NIBCID, Coimbatore, for the offence under Section 8(c) r/w 20(b)(ii)(B) and 25 of NDPS Act and the same was also confirmed by this Court in Crl.A.No.1046 of 2022. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. Having heard the learned counsel for the petitioner, the learned Special Public Prosecutor For NCB Cases for the respondent Police and perused the materials available on record including the counter filed by the respondent, this Court is of the opinion that the petitioner has not satisfied the conditions required under Section 37 of NDPS Act for grant of bail. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition stands dismissed.

27-01-2025

To
1. The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai - 600090
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