



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12245 of 2017

WEB COPY

PALANIYANDI

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO. 277/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

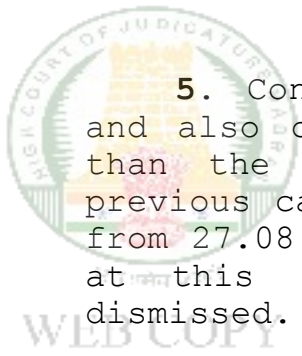
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 27.08.2017, for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No. 277 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the sole accused in this case and he was found in possession of 1.200 kgs of ganja near the Peraiyur market at the time of selling. The seized contraband was recovered from the accused and same was produced before the learned Additional District for Principal Special Court for EC & NDPS Act Cases, Madurai and the accused was also remanded to Judicial Custody on the same day.

3. The learned counsel appearing for the petitioner states the seized contraband from the petitioner/sole accused is below than the commercial quantity and Section 37 of NDPS Act is not barred grant bail to the petitioner. He further states that the petitioner is an innocent and he has no previous antecedence.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the petitioner is a sole accused in this case. He is said to be in possession of 1.200 kgs ganja at the time of selling. The said contraband was seized from the respondent police on 27.08.2017 and the same was produced before the concerned court on the same day. The petitioner was also arrested on the same day itself and he is in judicial custody from 27.08.2017 onwards. He further submitted that the petitioner is having 4 previous cases of similar nature of offence and the investigation is still pending.



5. Considering the above facts and circumstances of the case and also considering the fact that the seized contraband is less than the commercial quantity, but the petitioner is having 4 previous case in the similar nature of offence and he is in custody from 27.08.2017 onwards, this Court is not inclined to grant bail at this stage. Hence this Criminal Original Petition stands dismissed.

sd/-
18/09/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUB INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12245 of 2017
Date :18/09/2017

PK/CM-MSA/SAR-1/21.09.2017 : 2P/3C