

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Saturday, the Twenty Eighth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN
CRIMINAL ORIGINAL PETITION No.5506 of 2018

1 JAYANTHAN
2 KARTHICK

[PETITIONERS / ACCUSED]

Vs

STATE RE BY,
INSPECTOR OF POLICE,
H8, TIRUVOTTIYUR POLICE STATION,
CHENNAI -600 019.
(CR. NO. 2158 OF 2017)

[RESPONDENT]

For Petitioner : M/S.R.GANESH KUMAR Advocate

For Respondent : MR.T.SHANMUGA RAJESWARAN Govt. Advocate (Crl.
Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested on 29.11.2017 for the alleged offence punishable under Section 8 (c) r/w. 20 (b) (ii) (C) of NDPS Act, in Crime No.2158 of 2017 on the file of the respondent police, seek bail.

2. The case of the prosecution is that totally there are four accused in this case and the petitioners, who are A.3 and A.4 along with other accused were found in possession of 23.600 kgs of ganja and they were arrested and remanded to judicial custody on 29.11.2017.

3. Learned counsel appearing for the petitioners submitted that there is no specific averment in the FIR and the alleged seizure is manipulated. It is further submitted that the petitioners have been falsely implicated in this case and hence, seeks for bail.

4. The learned Government Advocate appearing for the respondent submitted that the quantity alleged to have been involved in this case is commercial quantity and Section 37 of the NDPS Act applies and hence, prays for dismissal of bail petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the State and also perused the records.

6. On a perusal of records, it reveals that 23.600 kgs of Ganja was alleged to have been recovered from one accused and all the accused appears to have been together at the time of seizure of the contraband. After taking note of the quantity, viz., 23.600 kgs of Ganja, I find that Section 37 of the NDPS Act is attracted and accordingly, in the absence of any positive material, I do not find any reason to grant bail to the petitioners at this juncture. Hence, this petition, seeking bail, is dismissed.

-sd/-
28/04/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
H8, TIRUVOTTIYUR POLICE STATION,
CHENNAI -600 019.

+1CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges SR NO.8661

CRL OP.5506/2018

Date :28/04/2018

MK:07/05/2018