

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7394 of 2020

Iyyappan

... Petitioner

Vs.

State Rep. By

... Respondent

The Inspector of Police,
B1 Sivakanchee Police Station,
Kancheepuram.
Cr. No.490 of 2019.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail pending investigation in Crime No.490 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded on 02.02.2020 for the offences punishable under Sections 8(c), 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 IPC in Crime No.490 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.02.2020, the petitioner was found in possession of Narcotic substances 1 kg 200 gms of Ganja with his motor cycle. On a routine search by the respondent police, they found the petitioner selling Narcotic substances and seized the contra-band along with his motor cycle. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner was never in possession of Narcotic substances and the case was foisted against the petitioner only for statistical purpose. Hence, he sought for bail.

4. The learned Additional Public Prosecutor submitted that the petitioner was in possession of Narcotic substances 1 kg 200 gms of Ganja with his motor cycle. The respondent police seized both the contra-band and motor cycle. Further, the petitioner is an habitual offender and he is having six previous cases, similar in nature. Hence, he vehemently opposed to grant of bail to the petitioner.

5. Considering both the submissions, this Court is of the view that, though the seized contra-band is not a commercial quantity, the petitioner involved similar nature of offences and there is no change of circumstances found to consider the bail application.

6. Accordingly, the Criminal Original Petition is dismissed.

-sd/-
04/05/2020

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 PRINCIPAL SESSIONS SPECIAL JUDGE,
(UNDER NDPS ACT) CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B-1 SIVAKANCHEE POLICE STATION,
KANCHEEPURAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

CC to MR.M.SELVAM, Advocate on payment of necessary charges

CRL OP.7394/2020

Date :04/05/2020

TA-17/06/2020