

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.8679 and 8751 of 2020

M.Prabhakaran ... Petitioner in Crl.O.P.No.8679 of 2020

G.Silambarasan ... Petitioner in Crl.O.P.No.8751 of 2020

Vs.

The State Represented by
The Inspector of Police
NIB CID Coimbatore.
(Crime No.35 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the Petitioners on Bail concerned in Cr. No. 35 of 2020 on the file of the Respondent police.

For Petitioner : Mr.J.Prakasam

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to the judicial custody on 12.03.2020 for the alleged offences punishable under sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.35 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found transporting 22 Kgs of ganja in a Honda City ZX bearing Registration No.TN 31 AB 2255. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they were intercepted on 12.03.2020 and that a false case has been registered against them. He would submit that the mandatory provisions have not been complied with and the petitioners have been in custody from 12.03.2020. Hence, he prays to grant bail to the petitioners.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that on a specific information, the respondent intercepted the car in which, the petitioners were traveling and they were found transporting 22 kgs of ganja which is a commercial quantity and they have confessed that the 1st accused / Silambarasan had purchased the ganja from Narasipattinam, Andhra Pradesh for illegal sale. He would further submit that the seizure was done in a public place and the investigation is pending. Hence, he vehemently opposed for the grant of bail to the petitioners.

5. Taking into account the nature offence and the fact that the contraband involved in this case is a commercial quantity, this Court is not inclined to grant bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

05/08/2020

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 ADDITIONAL DISTRICT JUDGE
PRESIDING OFFICER, SPECIAL COURT FOR
ESSENTIAL COMMODITIES ACT CASES, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
NIBCID, COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.J.PRAKASAM Advocate on payment of necessary charges

Crl.O.P.Nos.8679 and 8751 of 2020

Date :05/08/2020

RVR 18/09/2020