



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12795 of 2020

1. Vinoth
2. Udhayakumar
3. Ananthakumar

... Petitioners/Accused No.1,3&4

Vs

The State rep. by
The Inspector of Police,
NIB-CID, Madurai.
Crime No.13 of 2020.

... Respondent/Complainant

For Petitioners: M/s.S.Mahendrapathy,
Advocate.

For Respondent : Mr.KR.BharathiKannan,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.13 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1,3 and 4, who were arrested and remanded to judicial custody on 15.02.2020 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(c),27(A), 29(1) and Section 25 of NDPS Act on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 15.02.2020 at about 05.45 a.m., on secret information while the respondent police was on patrol duty intercepted the car bearing Reg. No. TN 09 BW 5591 and on search they found the petitioners and others in possession of 168 kgs of Ganja and the same was recovered.

3. The learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case and nothing has been recovered from the petitioner herein. He would also submit that the no previous case is pending against the petitioner and he is in jail from 15.02.2020 and insisted for default bail.



4. The learned Government Advocate (Criminal Side) would submit that there are totally six accused in this case and the petitioners herein is arrayed as A1,3 and 4. On receipt of secret information while the respondent police was on patrol duty intercepted the car bearing Reg. No. TN 09 BW 5591 and on search they found the petitioners and others in possession of 168 kgs of Ganja which comes under the category of commercial quantity. After complying all mandatory provisions registered the First Information Report as against the accused persons and remanded to judicial custody. That apart the petitioner was found in possession of Kanja which falls within the commercial quantity and as such there is no bar under Section 37 of the NDPS Act and does he is not entitled for bail. He would also submit that the respondent police completed investigation and filed final report before the concerned Court on the 179th day, therefore the petitioner is not entitled for default bail.

5. It is seen that there are six accused in this case and the petitioners herein is arrayed as A1,3 and 4. On 15.02.2020 at about 05.45 a.m., on secret information while the respondent police was on patrol duty intercepted the car bearing Reg. No. TN 09 BW 5591 and on search they found the petitioners and others in possession of 168 kgs of Ganja and the same was recovered. That apart the respondent police also followed all mandatory procedures laid down under Sections 42,50,52A and 57 of the NDPS Act. Further the contraband possessed by the petitioner falls under commercial quantity. In the light of Section 37 of the NDPS Act, if the petitioner fails to satisfy the twin test as contemplated under Section 37 of the NDPS Act, the petitioner is not entitled for bail. Further the respondent police also completed investigation and filed final report before the concerned Court on 179th day. On merits also the petitioners are not entitled for bail. Hence this Court is not inclined to grant bail to the petitioner.

6. In the result, this petition stand dismissed.

sd/-
01/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE OFFICER INCHARGE,
DISTRICT PRISON,
MADURAI.
2. THE INSPECTOR OF POLICE,
NIB CID,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12795 of 2020
Date :01/12/2020

AAV
SRS/JC/SAR-III/04.12.2020/3P/4C