



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

Date : 06/01/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19662 of 2019

A.Ganesan

... Petitioner/Accused No.4

Vs

The State rep.by
The Sub Inspector of Police,
C-2, Subramaniyapuram (L and O) Police
Station, Madurai.
Crime No.288/2019

... Respondent/Complainant

For Petitioner : M/s.A.Haja Mohideen,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.288/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 14.06.2019 for the offences punishable under sections 8(c) r/w Section 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.288 of 2019 on the file of the respondent police. He seeks bail.

3. The petitioner's counsel states that the petitioner is not having any previous case.

4. But then, on that sole ground, this Court cannot grant bail to the petitioner. The case involves commercial quantity and this Court will have to record a finding that the petitioner is not likely to have committed the offence in question.



5.The learned Government Advocate (Crl.side) pointed out that on 14.06.2019, at 07.00 hours, the respondent received a secret information that all the four accused in this case are transporting the contraband in question. On interception, the contraband was found in two bags one containing 10 Kgs of ganja and other containing 11 kgs of ganja. Thus, the quantity involved in this case is a commercial quantity. The final report has since been filed in this case. It has not been shown that any mandatory procedure has not been followed. The name of the petitioner is found even in the secret information. The recovery was effected following interception.

6.I am not in a position to give a finding that he is not likely to have committed the offence in question. The petitioner will have to necessarily establish his innocence only in a regular trial. Since the petitioner's bail petition has been dismissed, it is expected that the prosecution would speedily prosecute the matter and the Court below will also give priority in this case.

7.With this observation and direction, this criminal original petition stands dismissed.

sd/-
06/01/2020

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

TO

1.THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.

2.THE SUB INSPECTOR OF POLICE,
C-2, SUBRAMANIPURAM (L AND O)
POLICE STATION, MADURAI.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.HAJA MOHIDEEN Advocate SR.No.214

ORDER
IN
CRL OP(MD) No.19662 of 2019
Date :06/01/2020

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<https://hccvjce3gpub1.hccvjce3gpub1.in/CaseDetails/1.2020/2P/6C>