

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10246 of 2021

1.P.Selvaraj,
S/o.Perumal Devar

2.P.Ochappadevar,
S/o.Periyakaruppa Devar

...Petitioner

-Vs-

The State, rep by,
The Inspector of Police,
F2, SIPCOT Police Station,
Gummidipoondi,
Tiruvallur District
(Crime.No.15 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.15 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Thangamani

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

सत्यमेव जयते
O R D E R

The petitioners, who were arrested and remanded to judicial custody on 15.01.2021 for the offences under Sections 8 (c) r/w 20(b) (ii) (B) of NDPS Act, 1985 in Cr.No.15 of 2021 on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 15.01.2021, while the respondent was in routine vehicle check up at Gummidipoondi Bypass Balakrishnapuram junction, after seeing the police, the petitioners attempted to run away. At that time, the police intercepted and on enquiry found a gunny bag containing ganja measuring 21 kg, which was thereafter seized and the petitioners were arrested.

3. The learned counsel for the petitioners would submit the petitioners came to Chennai and thereafter went to relative's house for family function. At that time, the respondent police arrested the petitioners. Therefore, the petitioners are innocent persons, who do not have any previous case. Further, the petitioners are old aged persons. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (CrI.side) appearing for the respondent Police submitted that during vehicle check up at Gummidipoondi bypass Balakrishnapuram junction, the petitioners attempted to run away on seeing the respondent Police. Therefore, the police intercepted and on enquiry it was found that they had a gunny bag containing ganja weighing 21 kg. The same was seized and the petitioners were arrested and remanded to judicial custody on 15.01.2021. He further submitted that the seized contraband is a commercial quantity and as such there is a bar under Section 37 of NDPS Act. He also submitted that A1 has five previous cases including three ID cases and one case regarding Section 307 of IPC, whereas A2 has three previous cases. Hence, he vehemently opposed to grant bail to the petitioners.

5. It is seen that both the petitioners are having previous cases and as such they are habitual offenders. Further, the quantity of contraband involved is a commercial quantity as such there is a bar under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioners.

6. Accordingly, this criminal original petition is dismissed.

-sd/-

11/06/2021

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

TRUE COPY

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

TO

1. THE INSPECTOR OF POLICE, F-2,
SIPCOT POLICE STATION, GUMMIDIPUNDI,
TIRUVALLUR DISTRICT.

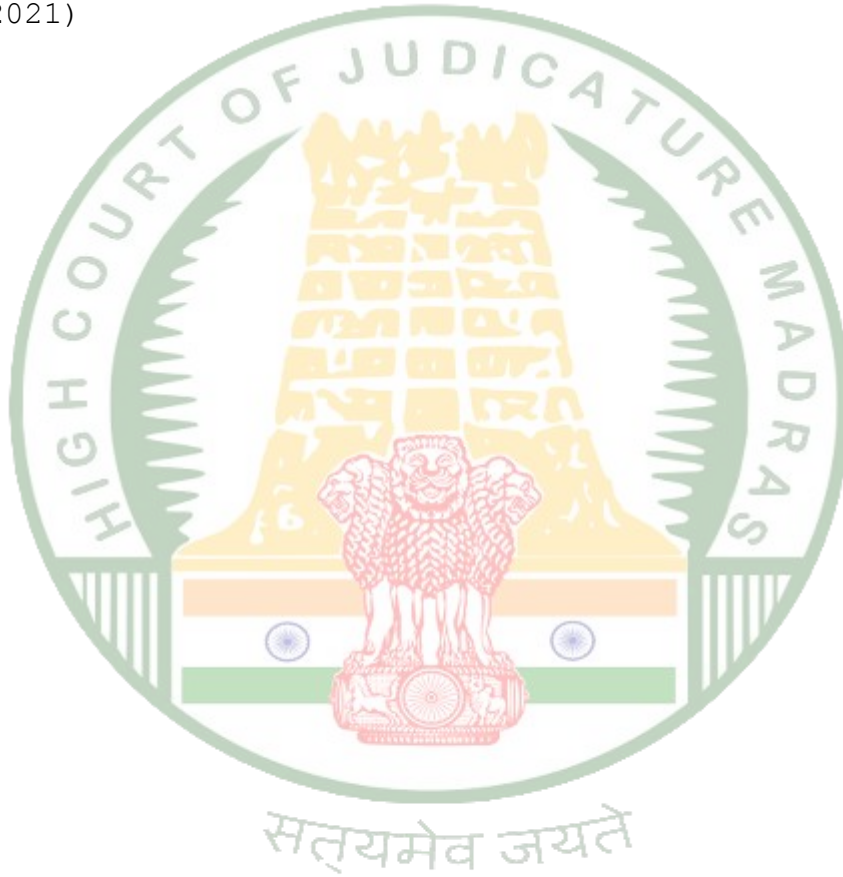
2. THE PUBLIC PROSECUTOR
HIGH COURT MADRAS 104.

CC to M/S.R.THANGAMANI Advocate on payment of necessary
charges

CRL OP.10246/2021

Date :11/06/2021

SP (28/06/2021)



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