



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17493 of 2021

GANESH @ PURUSHOTHAMAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION,
CHENNAI.
CR.NO.1169 OF 2020.

For Petitioner : M/S. N.SARAVANAN Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Petitioner, who was arrested and remanded to judicial custody on 03.10.2020 for the offence punishable under Section 8(c) and 20(b)(ii) (B), 25 and 29(1) of NDPS Act 1985 in crime No.1169 of 2020 seeks bail.

2. Totally there are 5 accused in this case and the petitioner herein is arrayed as A4. The case of the prosecution is that on 03.10.2020 A1 and A2 were found in possession of 21 kgs of ganja and A3 and A5 were found in possession of 1.5 kgs of ganja and with regard to the petitioner/A4 herein he has indulged in smuggling of 25.500 kgs of ganja. Hence the case came to be registered against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody for more than a year and that there is no previous case pending against the petitioner. He further submits that this Court had granted bail to the co-accused in Crl.O.P.No.3826 of 2021 dated 07.04.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate appearing for the respondent submits that the petitioner was found in possession of along 25.500 kgs of ganja which is of commercial quantity and the petitioner has one previous case against the pending against the petitioner. Hence he vehemently opposed grant of bail to the petitioner.

5. Considering the fact the petitioner was in possession of 25.5 kgs of ganja, which is of commercial quantity and with regard to the co-accused this Court had granted bail in CrI.O.P.No.3826 of 2021 dated 07.04.2021 considering the fact the co-accused persons were in possession of 1.500 grams of ganja, which is not of commercial quantity, where as the petitioner is in possession of 25.5 kgs of ganja, which is of commercial quantity, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original petition is dismissed.

-sd/-

21/09/2021

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 INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+1 CC to M/S. N.SARAVANAN Advocate on payment of necessary charges SR.No.10347

CRL OP.17493/2021

Date :21/09/2021

APN 28/09/2021