



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.19363 of 2021

G.VEERAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.
CRIME NO.623 OF 2021.

[RESPONDENT / COMPLAINANT]

For Petitioner : M/S.K.M.SUBRAMANIAM Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.08.2021 for the punishable offences under Section 8(c) r/w 20(b)(ii)(c), 25 and 26 of the NDPS Act 1985 in Crime No.623 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on regular checkup they found that the petitioner and others were involved in illegal transportation of 90 kgs of ganja by using Innova Car.

3. The learned counsel for the petitioners submits that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners are in jail from 01.08.2021. He further submits that the petitioner is not the owner of the contra band and no recovery has been made from the petitioner. He further submits that as per Section 40 and 42 of NDPS Act, immediately after the seizure of contraband the same was not informed to the higher officials and non-following of the mandatory procedure should enure to the benefit of the petitioner. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that the petitioners and others were involved in illegal transportation of 90 kgs of ganja by using Innova Car and the quantity involved in this case is a commercial quantity. He further submits that the petitioner's earlier bail petition was dismissed by the Additional District Judge, Special Court Under Essential Commodities Act, Thanjavur on 17.08.2021 in Crl.MP.No.628 of 2021. Hence, he vehemently opposed for grant of bail to the petitioners. He further submits that the investigation is at initial stage.

5. Considering the submissions made by both counsel and also considering the fact that the quantity involved in this case is a commercial quantity and in view of the bar under Section 37 of NDPS Act for grant of bail, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
20/10/2021

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,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.K.M.SUBRAMANIAM Advocate on payment of necessary charges

CRL OP.19363/2021

Date :20/10/2021

INBA-28/10/2021