



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

Date : 05/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.6105 of 2021

Vijay ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
In Crime No.380 of 2020 ... Respondent/Complainant

For Petitioner : Mr.Sathish Kumar.K.,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

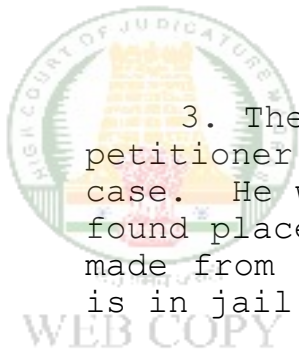
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For bail in crime no.380 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 29.09.2020 for the offences punishable under Section 8(c)r/w.20(b)(ii)(C) and 25 of NDPS Act in Crime No.380 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was engaged in preventing offences relating to Narcotic and Psychotropic Substances Act, they found a car bearing Reg.No.TN 55 BA 4959 near Pillaryar thamam Oorani and found four occupants in the case. Whey they enquired them two persons revealed their name as shanmugavel and Kannan and other two persons escaped from there. On search the police found 30 kg of ganja , therefore the case came to be registered.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the name of the petitioner does not found place in the First Information Report and no recovery has been made from this petitioner. He would also submit that the petitioner is in jail from 29.09.2020, hence he seeks bail.

4. The learned Additional Public Prosecutor opposed the petition on the ground that the petitioner was also found in possession of commercial quantity of ganja and he escaped from the place. He would further submit that the petitioner is seller. The quantity of ganja falls under the category of commercial quantity, hence he seeks dismissal of the petitioner.

5. A perusal of the First Information Report shows that the petitioner along with other accused were in the car bearing Reg. No. TN 55 BA 4959. The police enquired them. The petitioner and one other accused escaped from there. It is a case of commercial quantity of ganja. Only if the accused satisfies the Court that there are reasonable grounds for believing that the accused is not guilty of such offences and that he is not likely to commit any offence while on bail the accused is entitled for bail. In the case on hand, the petitioner was also one of the persons who said to have possessed commercial quantity of ganja. There is *prima facie* material for prosecuting the petitioner for illegal possession of commercial quantity of ganja. Therefore this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
05/07/2021

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/ /2021
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 concerned.

TO

1 THE INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

WEB COPY

ORDER

IN

CRL OP(MD) No.6105 of 2021

Date :05/07/2021

AAV

JM/AKM/SAR V/07.07.2021/3P/4C