



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

Date : 29/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD) . No.6622 of 2021

WEB COPY

J.Rajesh

... Petitioner/Accused

Vs

The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone,
F.No. 48/1/02/2021/NCB/MDU
Madurai.

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C.,
Advocate.

For Respondent : Mr.Arul Vadivel @ Sekar,
Spl. Public Prosecutor

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

PRAYER :-

To Enlarge the Petitioner on bail in F.No.48/1/02/2021/NCB/MDU
on the file of the Respondent

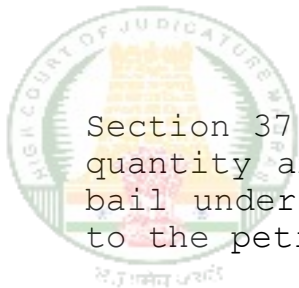
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 08.03.2021 for the offences punishable under Section 8(c)r/w.20(b)(ii)(C), 28 and 29 of NDPS Act in Crime No. 48/1/02/2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 4.770 kgs of Hashish oil near the exit gate of new bus stand, Thoothkudi on 06.03.2021. Thereafter the officials of Narcotics Control Bureau served summons under Section 67 of NDPS Act and recorded his confession statement and the materials were seized. Thereafter the petitioner was arrested and 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 further submit that the petitioner is in judicial custody from 08.03.2021, hence he seeks bail.

4. The learned Special Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the quantity of Hashish Oil involved in this case is commercial quantity. He further submitted that all the mandatory procedures contemplated under the NDPS Act have been complied with and there is a bar under



Section 37 of the NDPS Act for granting bail in cases of commercial quantity and the petitioner has not made out any case for grant of bail under Section 37 of NDPS Act, hence he opposed to grant bail to the petitioner.

5. It is true that in case of commercial quantity of Narcotic Drugs and Psychotropic Substances, only if the accused satisfies the Court that there are reasonable grounds for believing that the accused is not guilty of such offence 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 case of the prosecution is that the petitioner was found in illegal possession of 4.770 Kgs of Hashish oil, which is the commercial quantity. Further the petitioner has not satisfied the twin condition as stipulated under Section 37 of the NDPS Act. The petitioner was caught red handed with illegal possession of 4.770 kgs of Hashish oil. There is *prima facie* case made out against the petitioner for prosecuting him, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the bail petition stands dismissed.

Sd/-

29/06/2021

/ TRUE COPY /

/ /2021

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

AAV

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 INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE, MADURAI.
2. THE SUPERINTENDENT CENTRAL PRISON,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.6622 of 2021

Date : 29/06/2021