



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7556 of 2021

K.Velayutham

... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
Kovilankulam Police Station.
Crime No. 16 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Chakkkaravarthy S.J,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.16 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner was arrested and remanded to judicial custody by the respondent police on 05.02.2021 for the offences punishable under Section 8(c) r/w. Section 20(b)(ii)(C) of NDPS Act, seeks bail.

2.It is seen from the submissions made that when the police party led by the Sub Inspector of Police, on secret information that the accused are in possession of Ganja, he along with other police party went near Komboodhi village to Ochathevan Kottai road at about 11.00 a.m., on 05.02.2021 and found that the accused in this case viz., Shanmuganathan and Velayutham were having a white sack and on seeing the police partly, they tried to run and they were apprehended. After intimating their right to be searched in the presence of Judicial Magistrate and their willingness that they may be searched by the police party, they searched the white sack and found that there were 13 bundles. On opening the bundle, it was found that there was Ganja inside the bundle and total Ganja is about 27.900 Kgs. Therefore, this case came to be filed under Sections 8(c) r/w. Section 20(b)(ii)(C) of NDPS Act.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and he is in judicial custody for the past 125 days and therefore, he seeks bail.

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4.The learned Government Advocate (criminal side) for the respondent police opposed this petition on the ground that the investigation in this case is not completed and the first accused in this case has two previous cases and he was detained under the Goondas Act and the Ganja involved in this case is of the commercial quantity.

5.As per Section 37 of the NDPS Act, bail can be granted for the accused charged with the possession of commercial quantity of Ganja, only when two conditions are satisfied and they are (i) there are reasonable ground for believing that the accused is not guilty of such offence and he is not like to commit any offence while on bail. The case of the prosecution is that the petitioner along with co-accused were in possession of 27.900 Kgs of Ganja, which is a commercial quantity. The investigation in this case is not completed. The twin conditions that (ii) there are reasonable ground that the petitioner is not guilty of such offence is not satisfied and the other condition that he is not likely to commit any other offence, cannot be guaranteed by any one. In this view of the matter, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

Sd/-
10/06/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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,
KOVILANKULAM POLICE STATION.



2. THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

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

ORDER

IN

CRL OP (MD) No.7556 of 2021

Date : 10/06/2021

VB MNR SAR I (16/06/2021) 3P / 4c