



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2021

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.7895 of 2021

Yougansan

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
Thangachimadam Police Station,
Ramanathapuram District.
Crime No.70/2021.

... Respondent/Complainant

For Petitioner : Mr. Arumugam .C.M,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

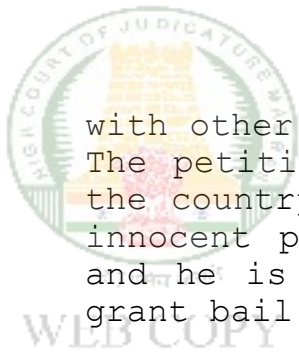
For Bail in Crime No. 70 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 23.04.2021 for the offences punishable under Sections 8 (c) r/w 20(b) (II) (C) and 25 of NDPS Act, in Crime No.70 of 2021, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of ganja weighing about 23 kgs. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the accused Nos.1 and 2 are son and father respectively and they are owners of the country boat and the petitioner/A3 is a Fisherman and he was hired by accused nos. 1 and 2 and the recovery was made by the defacto complainant who is the Inspector of Police and not in the presence of the any independent witness. The petitioner along



with other four accused were found in possession of 23 kgs of ganja. The petitioner does not aware where the contraband is available in the country boat. He would further submit that the petitioner is an innocent person and there is no previous case pending against him and he is judicial custody more than 75 days. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that totally there are five accused in this case. The petitioner is arrayed as Accused No.3. No previous case is pending. He further submitted that investigation is pending and there is no change in circumstance. The seized contraband is a commercial quantity, hence, he strongly opposes to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and the fact that the contraband in question is 23 kgs of ganja, which is a commercial quantity and also the fact that there is no change in circumstance, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

07/07/2021

/ TRUE COPY /

/ /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,
THANGACHIMADAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

+1 CC to Mr.C.M.ARUMUGAM, Advocate (SR-4423[I] dated 08/07/2021)

ORDER IN
CRL OP(MD) No.7895 of 2021
Date :07/07/2021