



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7967 of 2021

Starwin

... Petitioner/Accused No.3

Vs

State represented through
The Inspector of Police,
Theni NIC Police Station,
Theni District,
Crime No.13 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Kannan,
Advocate.

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

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

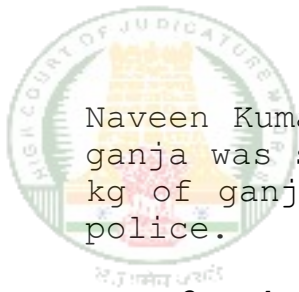
PRAYER :-

For Bail in Crime no.13 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 21.09.2020 for the offences punishable under Section 8(c)r/w.20(b)(ii)(C) and 25 of NDPS Act in Crime No.13 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.09.2020 at about 15.30 when the respondent police conducted search of the vehicle bearing Reg. No. TN 07 AF 8916 at Vayalpatti Pirivu they found Naveen kumar and Starvin occupying the vehicle and the vehicle was driven by one Faizal. The police party apprehended them and after observing necessary mandatory procedures and explaining the right about the search in the presence of the Judicial Magistrate and on the willingness of the accused the search was conducted by the police and they found three white colour plastic bags and in it they found ganja. On enquiry it was revealed that the accused



Naveen Kumar had purchased 100kg of ganja from Andhra and 20 kg of ganja was sold by Faizal and Starwin at Kerala, whereas Remaining 80 kg of ganja was taken in plastic bag, they were apprehended by the police.

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 he was only an occupant in the car and the car was driven by Faizal and he was not in possession of ganja. He would further submit that the final report has been filed before the concerned Court and the same has been taken cognizance in C.C. No.173 of 2021 and pending for trial. He would further submit that the petitioner is in judicial custody from 21.09.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the contraband involved in this case is a 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. Section 37 of the NDPS Act governs the grant of bail under the Narcotic Drugs and Psychotropic Substances when the contraband involved falls under the commercial quantity. 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. Admittedly in the case of hand 80kg of ganja was seized and at that time three of the accused were occupying the vehicle and this petitioner was one of the occupant of the Mahindra Pick Up Van bearing Reg. No. TN 07 AF 8916. Therefore he cannot say that he has established that there are reasonable grounds for believing that he is not guilty of such offences. Further there are reasonable grounds for believing that he is involved in illegal possession and transportation of Ganja.

6. Therefore, this Court is of the considered view that the petitioner has not satisfied the twin condition as stipulated under Section 37 of the NDPS Act for granting bail. Hence the bail petition stands dismissed. However taking note of the fact that the final report has been filed in this case and the case is ripe for trial, the trial Court is directed to complete the trial proceedings as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.

sd/-

18/06/2021

/ 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 PRINCIPAL DISTRICT AND SESSIONS JUDGE (NDPS),
MADURAI.
- 2.THE INSPECTOR OF POLICE,
THENI NIC POLICE STATION,
THENI DISTRICT,
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.7967 of 2021

Date : 18/06/2021

AAV

AE/VR/SAR-II/23.06.2021/3P/6C