



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

Date : 01/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8665 of 2021

Ramasamy

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Chatrapatti Police Station,
Dindigul District.
Crime No.157 of 2021

... Respondent/Respondent/
Complainant

For Petitioner : Mr.K.Gunasekara Pandian
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

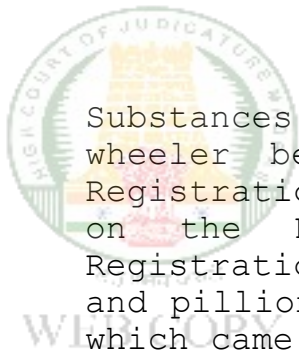
PRAYER :-

For Bail in Crime No.157 of 2021 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.05.2021 for the offence punishable under Sections 8 (c), r/w 20(b)(ii)(c) of NDPS Act, @ 8(C), r/w 20(b)(ii)(c), 25, 29 (1) NDPS Act, in Crime No.157 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.05.2021 at about 08.00a.m., the police party, on a prior intimation, was involved in preventing the offences relating to Narcotic Drugs and Psychotropic



Substances Act. They found near Virupatchi Kanavaimedu, a two wheeler bearing Registration No.TN-57-U-4974 and a car bearing Registration No.TN-56-8263 came from East to West. From a mud road on the North of Kanavai thottam, two motorcycles bearing Registration No.TN-58-U-2084 and MH-02-AN-6699 came with its rider and pillion rider. The persons came in a car and in the two wheeler which came in front of the car, took two white colour gunny bags and handed over to the persons came in other two wheelers. The police party surrounded and tried to nab them. They could nab only Karthick and Saravanan and others escaped. On enquiry from Karthick and Saravanan, they found the name of escaped persons as Sasikumar and Sesuraja. The police informed the accused Karthick and Saravanan about their right to be searched in the presence of Judicial Magistrate or Gazetted Official and on their willingness to be searched by the presence of police, a search was conducted. The police found 25kg of ganja in the bag kept by Karthick. They also found 25kg of ganja in the bag kept by Saravanan. Totally, the police found 50kg of ganja and they seized ganja worth of Rs.2,50,000/-. Therefore, this case was registered against all the four accused.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner's name is not found in the FIR and there is no recovery from the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the State submitted that the investigation in this case is not yet completed and the petitioner is the most important person in supply of Ganja. He further submitted that this case involved illegal possession and transportation of 50kg of ganja, which is of a commercial quantity. Unless the petitioner satisfy the conditions under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, the petitioner is not entitled for bail. Therefore he prays for dismissal of this petition.

5. It is true that the petitioner's name is not found in the FIR. The petitioner is said to be the most important person in supply of ganja from Andra Pradesh to various places. Admittedly, this case involves 50kg of ganja of commercial quantity. The case against the petitioner is that along with the co-accused, he possessed 50kg of ganja. There is a prima facie material to prosecute the accused for illegal possession and transportation of commercial quantity of ganja. As rightly pointed out by the learned Government Advocate(Crl.Side), the petitioner has to satisfy that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. On the other hand, there is a prima facie material to prosecute the petitioner along with other accused for possession and transportation of commercial quantity of ganja.



6. In view of the above facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

WEB COPY

/ TRUE COPY /

sd/-
01/07/2021

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

TO

1. THE INSPECTOR OF POLICE,
CHATRAPATTI POLICE STATION,
DINDIGUL DISTRICT.
2. THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8665 of 2021
Date : 01/07/2021

TTA
TK/MNR/SAR.2/06.07.2021/3P/4C