



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD)No.8915 of 2021

A.Vicky@vignesh

... Petitioner/Accused No.2

Vs

The State of Tamil Nadu,
Represented by The Sub Inspector of Police,
NIB CID Police Station, Nagapattinam,
Nagapattinam District
Cr No.6/2021.

... Respondent/Complainant

For Petitioner : Mr.C.K.M.Appaji,
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.6 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 03.03.2021 for the offences punishable under Section 8(c) r/w 20(b)(ii)(C), 29(1) and 25 NDPS Act,1985 in Crime No.6 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.03.2021 at about 22 hours, the secret informant informed the defacto complainant that some persons were illegally transporting ganja in an ambulance for being smuggled into Srilanka. After receiving the information, the defacto complainant informed the same to his Superior and along with other Police Officials, were keeping watch near Thopputhurai Railway Station. At about 04.00 am., they found an ambulance bearing registration No.TN09AE7327. They stopped the ambulance and



introduced themselves and informed that they have an information that ganja is being smuggled in the ambulance and wanted to conduct search. The occupants of the ambulance are Mahendra, Vicky @ Vignesh, Sundar and Rajkumar. The defacto complainant informed their right to be searched in the presence of Judicial Magistrate or Gazetted Officer. The accused expressed their willingness to be searched by the Police. Accordingly, search was conducted. The Police found, in the freezer box two white color sacks with ganja. Each sacks contained 7 pockets with 2kg of ganja, totally 28kg of ganja was recovered. The accused informed that the ganja was being smuggled to Srilanka. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that ganja is commercial quantity and this petitioner along with other accused were found in possession of commercial quantity of ganja.

5.Narration of facts show that the petitioner along with other accused said to have illegally possessed 28kg of ganja in the ambulance' freezer box. It is the submission of the petitioner's counsel that the petitioner is the bonofide traveller and he was not connected with the illegal possession of ganja. It is matter for trial. As of now, the petitioner along with other accused found to be in possession of commercial quantity of ganja. When it comes for consideration of bail in the case of commercial quantity, as per Section 37 NDPS Act, the accused should establish 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. In this case, the petitioner and other accused said to have illegally possessed and transported 28kg of ganja. Therefore, this Court is of the view that the petitioner has not satisfied the twin conditions prescribed under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

14/07/2021

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/ /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



TO

1.THE SUB INSPECTOR OF POLICE,
NIB CID POLICE STATION, NAGAPATTINAM,
NAGAPATTINAM DISTRICT.

2.THE OFFICER INCHARGE,
SUB JAIL, PUTHUKOTTAI.

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

ORDER

IN

CRL OP(MD) No.8915 of 2021

Date :14/07/2021

GNS

SS/VR/SAR-II/15.07.2021 : 3P/4C