



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.07.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.9646 of 2021

Govindaraj ... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Woraiyur Police Station,
Trichy.
In Crime No.400 of 2021, ... Respondent/Complainant

For Petitioner : Mr.R.Sundar

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

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

PRAYER :-

For Bail in Crime No.400 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is in judicial custody for the offences punishable under Sections 8(c) and 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.400 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant got secret information that the accused in this case were selling Ganja. The defacto complainant recorded the above message and intimated the same to the Superior Officer and after getting permission from the Superior Officer, proceeded to the spot near Madhan's house in Aadhi Nagar at about 14.15 hours on 28.05.2021. The secret informant identified the accused in this case. On seeing the Police, two persons had fled from there. The Police apprehended the accused Hariharan. He informed the names of the persons who fled from the scene of occurrence as Govindaraj and Madhankumar. After complying the necessary formalities, the Police conducted a



search and found that the accused was in possession of 7 Kgs of Ganja in all the three bags. Total Ganja seized was 21 Kgs. Therefore, this case came to be registered.

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 there was no recovery from the petitioner. He is in custody for the past 46 days. Hence, he seeks bail.

4. The learned Government Advocate (Criminal Side) opposed the bail petition on the ground that the Ganja involved in this case is commercial quantity. Therefore, he seeks dismissal of the petition.

5. It is seen that the accused in this case were found to be in possession of 21 Kgs of Ganja in the course of same transactions. The Ganja involved in this case is commercial quantity. It is the case of prosecution that the petitioner had fled away on seeing the Police, after leaving his sack containing 7 Kgs of Ganja. For grant of bail, the accused has to satisfy the conditions contemplated under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Only if the accused makes a case that there are reasonable grounds for believing that he is not guilty of the said offence and that he is not likely to commit any offence, the accused is liable to be granted bail. The accused has not made out case for grant of bail since he has not satisfied the conditions contemplated under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985. Accordingly, this Criminal Original Petition is dismissed.

sd/-
26/07/2021

/ TRUE COPY /

/ /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.



- 1 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
- 2 THE INSPECTOR OF POLICE
WORAIYUR POLICE STATION, TRICHY.
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.9646 of 2021
Date :26/07/2021

NA/JC/SAR4/29/07/2021 P3 : 4C