



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.9638 of 2021

Govindaraj

... Petitioner/2nd Accused

Vs

The Inspector of Police,
Woraiyur Police Station,
Trichy.

(In Crime No.402 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Sundar, Advocate.

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

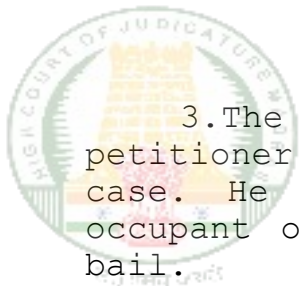
PETITION FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :-For Bail in Crime no.402 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 01.06.2021 for the offences punishable under Sections 8(c), 20(b)(ii)(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.402 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 were illegally transporting Ganja in a car bearing Registration No.TN 19 E 3159 on 01.06.2021. He proceeded along with Police party and the secret informant and near the liquor shop at Urayur Konakkarai Road, they found at about 12.30 pm, the said car coming from North-South direction. He stopped the car and enquired the occupants. The driver introduced himself as Anandhan @ Kutta Anandhan. Another occupant name was Govindaraj. The police informed the accused about their right to be searched in the presence of Judicial Magistrate or Gazetted Official. On their willingness to be searched by the Police, a search was conducted and they were found in illegal possession of 21 Kgs of Ganja in a sack. 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 the petitioner is only an occupant of the car, even as per the prosecution. 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. The Ganja involved in this case is commercial quantity. 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 entitled 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

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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 concerned.

TO

1.THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY.

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

ORDER

IN

CRL OP(MD) No.9638 of 2021

Date :26/07/2021

MBI

RT/VR/SAR-I/30.07.2021/2P/3C

<https://hcservices.ecourts.gov.in/hcservices/>