



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9991 of 2021

Rajkumar ... Petitioner/Accused No.4
Vs
The State rep.by
The Inspector of Police,
Palani Town Police Station,
Dindigul
Crime No. 349/2021.. ... Respondent/Complainant

For Petitioner : Mr.K.MOHANRAJ, Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate(crl.side)

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

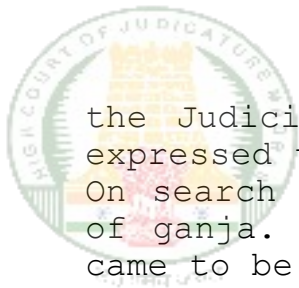
PRAYER :-

For Bail in Crime No. 349/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 27.04.2021 for the offences punishable under Sections 8(C), 20(b)(ii)(c) and 25 of NDPS Act in Crime No.349 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was informed by the secret informer that ganja is being illegally transported in a car bearing Reg. No. TN 09 AP 8944 and a lorry bearing Reg.No. TN 58 BE 2515 on 27.04.2021. He recorded this information and after getting permission from the Inspector of Police he proceeded to the spot along with police officials. They were keeping watch over the Dindigul - Udumalai bye pass. At about 9.00 p.m., both the vehicles were coming from South, they stopped the vehicle. The car was driven by Vijay Ananth. The lorry driver and the occupants of the lorry tried to fled, but they apprehended them. The respondent police introduced themselves to the accused and informed them about the right to be searched in the presence of



the Judicial Magistrate or Gazetted Officer. The accused persons expressed their willingness to be searched by the police themselves. On search the police found four travel bags each containing 10kgs of ganja. Total contraband possessed is 40kgs. Thereafter the case came to be registered.

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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 in judicial custody from 27.04.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that it is a case of commercial quantity of ganja.

5. Grant of bail with regard to illegal possession of commercial quantity of ganja is governed by Section 37 of Narcotic Drugs and Psychotropic Substances. 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. In the case on hand, the case of prosecution is that the petitioner along with other accused were caught red handed with 40kgs of ganja which falls under the category of commercial quantity. Further there is *prima facie* case for prosecuting the petitioner along with other accused for possessing 40 kgs of ganja. The petitioner has not satisfied the twin conditions as laid down under Section 37 of the NDPS Act, hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
28/07/2021

/ 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 OFFICER INCHARGE,
DISTRICT JAIL,
DINDIGUL.
2. THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION,
DINDIGUL ,
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9991 of 2021
Date :28/07/2021

SA/VR/SAR.1/02.08.2021/3P/4C