



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2253 of 2022

ALEX

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
NIB-CID POLICE STATION,
COIMBATORE DISTRICT.
(CRIME NO.29 OF 2021)

[RESPONDENT]

For Petitioner : M/S.S.VINODHA Advocate

For Respondent : Mrs.G.V.KASTHURI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A-1, who was arrested and remanded to judicial custody on 05.07.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25, 29(i) of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.29 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.07.2021 at about 8.30 a.m., the petitioner and other accused were illegally transporting 48 kgs of Ganja in Maruthi Suzuki Car bearing Registration No. TN-78-A-1929. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 05.07.2021 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecution appearing for the respondent police raised objection stating that investigation is pending.



5. Considered the submissions made by the learned counsel appearing on either side. In the petition mentioned crime number, the respondent police after completing the investigation, filed a final report and the same is pending before the Special Court for Essential Commodities Act Cases, Coimbatore in C.C.No.98 of 2021. Now, on perusal of the recovery mahazar prepared during the time of investigation, it seems that from this petitioner and from one Selvam, who is another accused, the respondent police recovered the contraband weighing about 48 kgs, which was found in 3 bags. Therefore, it is apparent that during the relevant point of time, the petitioner and one other accused possessed with 48 kgs of contraband.

6. Therefore, being the reason that the quantity of the contraband possessed by the petitioner, is a commercial quantity, this Court is not inclined to grant bail to him. Hence, this Criminal Original Petition is dismissed.

-sd/-

18/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
ESSENTIAL COMMODITIES ACT CASES,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
NIB-CID POLICE STATION,
COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.S.VINODHA Advocate on payment of necessary charges
SR.NO. 2605

CRL OP.2253/2022

Date :18/02/2022

RW 24/02/2022