



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.8527 of 2022

P.PARTHASARATHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
NIB- CID, COIMBATORE
CRIME NO.40 OF 2020

[RESPONDENT]

For Petitioner : M/S.T.SIVAGNANASAMBANDAN Advocate

For Respondent : MR. S.UDAYAKUMAR, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police, for the offence under Sections 8(c) r/w 20(b)(ii) (c), 25 NDPS Act, 1985 in Cr.No.40 of 2020, seeks anticipatory bail.

2. The learned counsel for the petitioner submitted that this is the third bail application of the petitioner. Earlier bail applications were dismissed on the ground that the seized Ganja is commercial quantity and at that time, the investigation was at preliminary stage. Subsequently, the respondent police have completed the investigation and filed the charge sheet. The learned counsel further submitted that as the mandatory provision of the NDPS Act, were not followed in this case and as such, the petitioner is entitle to be released on bail. Therefore, the learned counsel prays for grant of bail to the petitioner.



3. The learned Government Advocate (Crl.Side) submits that the petitioner was in possession of 200 kgs of ganja and the same was seized by the respondent Police. He further submitted that this is the third bail petition filed by the petitioner and there is no change of circumstances.

4. Considering the fact that the seized contraband is a commercial quantity and hence, grant of bail is barred under Section 37 of NDPS Act and further there is no change of circumstances in this case, this Court is not inclined to grant bail to the petitioner.

5. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

13/04/2022

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.SIVAGNANASAMBANDAN Advocate on payment of necessary charges

CRL OP.8527/2022

Date :13/04/2022

RW 28/04/2022