

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15589 of 2022

AYYANNA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
H1, WASHERMENPET POLICE STATION,
CHENNAI.
(CR.NO.292 OF 2022)

[RESPONDENT]

For Petitioner : M/S.K.V.RAMESH Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested remanded to judicial custody on 16.04.2022 for the offences punishable under Sections 8(c) r/w 20(b) (ii)(C) of NDPS Act in crime No.292 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.04.2022 at about 14.30 hrs, the respondent police on secret information, went to CB Road Subway and arrested the petitioner as he was found in possession of 21 kg of 'ganja'. Hence, the case.

3. The learned counsel for the petitioner would submit that some unknown persons utilizing the poor family condition of the petitioner, insisted the petitioner to deliver a bundle to Chennai and the petitioner came to know about 'ganja' only when the respondent police searched him. Therefore, he is no way connected with the present case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally two accused, in which the petitioner is arrayed as A1 and 21 kg of 'ganja' was recovered, which is a commercial quantity. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that both the accused persons were in joint and conscious possession of contraband weighing 21 kg, which is a commercial quantity. Further, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Though the learned counsel for the petitioner submitted that mandatory procedures as contemplated under Section 50 of NDPS was not complied with by the respondent, all the grounds raised by the petitioner can be considered only during trial and not for bail. Therefore, Court is not inclined to grant bail to the petitioner.

6. Accordingly, this criminal original petition is dismissed.

-sd/-

07/07/2022

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 INSPECTOR OF POLICE,
H1, WASHERMENPET POLICE STATION,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.K.MASTHAN Advocate on payment of necessary charges

CRL OP.15589/2022

Date :07/07/2022

CSK 14/07/2022