



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4514 of 2022

Alexpandi

...Petitioner/ Sole Accused

Vs

The State represented by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
(Crime No.660 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-For Bail in Crime No.660 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 17.11.2021 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(c) and 25 of NDPS Act in Crime No.660 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.07.2021 at about 22.00 hours, on receipt of secret information, the respondent police went to Ettaiyapuram road and had intercepted one Ashok Leyland Mini Load bearing Registration No.TN-05-BW-4003, that on seeing the police party, the petitioner tried to escape from that place and the respondent police caught hold of him and that on search, it was found that the petitioner was in illegal possession of 24.100 kg of Ganja and they have arrested him.

3.The learned counsel for the petitioner would submit that the petitioner is not having any previous cases under NDPS Act.



4.The learned Additional Public Prosecutor would submit that the entire contraband of 24.100 kg of Ganja was recovered from the petitioner.

5.Since the petitioner is not having any previous cases under NDPS Act, this Court can record a finding that the petitioner is not likely to commit any such offence, after coming out on bail. But at the same time, the entire contraband of commercial quantity was recovered from the petitioner, this Court cannot record a finding that the petitioner is not guilty of such offence.

7.since the first condition contemplated under Section 37 of NDPS Act is not satisfied, this Court has no other option, but to reject the bail plea. Hence, this Court is not inclined to grant bail to the petitioner.

8.In the result, this Criminal Original Petition is dismissed.

sd/-
07/04/2022

/ TRUE COPY /

/ /2022
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
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4514 of 2022
Date :07/04/2022

CSM
MK/PN/SAR.I/11.04.2022/2P/4C

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