



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.19214 of 2022

WEB COPY

Ashif Raja ... Petitioner/Accused No.1
Vs

The State Rep.by
The Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur District.
Crime No.1033/2022.

... Respondent/Complainant

For Petitioner : M/s. Arjun.S.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1033 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 25.08.2022 for the offence under Sections 8(c) and 20(b) (ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.1033 of 2022, seeks bail.

2.The case of the prosecution is that on 24.08.2022 at about 19.30 hrs, based on the secret information, the respondent police went to their regular raid at Weigh Bridge near Thanjavur Old Railway Quarters and saw a vehicle, viz., lorry bearing Registration No.TN-52-F-3256 parked in a suspicious manner, which is closed with Tarpaulin, at that time, one person tried to transfer one bag from the said lorry and two persons were standing along with him near the said lorry and another lorry also parked nearby that bearing Registration No.TN-58-PW-5308, two more persons also standing nearby this lorry. On seeing the respondent police, all the five accused were tried to escape from that place. The respondent police arrested A1 to A5 and on search, they found 93kgs of Ganja in three white color gunny bag from the above said Lorry bearing Registration No.TN-58-PW-5308 and also found 35kgs of Ganja in a white color gunny bag from the above said lorry. During enquiry, it reveals that the entire contraband was purchased by A6 through A7. The said contraband was transported by the said vehicle with an intention to sell in local area. Further investigation reveals that, all the accused were actively involved in drug trafficking. After completing the



procedures as contemplated under NDPS Act, the responder seized the entire contraband of 128kgs of Ganja from A1 to A5 and arrested them along with two vehicles. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is a driver of the vehicle bearing Registration No.TN-58-BW-5308 and he is innocent and he has been falsely implicated in this case. The petitioner is in judicial custody from 25.08.2022. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that totally seven accused involved in this case and the petitioner is arrayed as A1. He would further submit that the quantity of Ganja involved in this case is a commercial quantity and the petitioner was very much present in the scene of occurrence and he was arrested along with the contraband and he is having no previous case. However, considering the gravity of offence, he strongly opposed to grant bail.

5.Considering the gravity and nature of the offence and also considering the quantity of Ganja involved in this case is a commercial quantity, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-

21/11/2022

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/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1. The Inspector of Police,
Thanjavur Town South Police Station,
Thanjavur District.
2. The Officer In-Charge, District Jail, Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19214 of 2022

Date :21/11/2022

RD/BUC/SAR-I(28/11/2022) 2P 4C