



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.2534 of 2023

Sonai

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Adirampattinam MPS, P.S.,
CSG CID, Nagapattinam District.
(In Crime No.04/2022)

... Respondent/Complainant

For Petitioners : M/s.R.Sakthivel
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.4 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

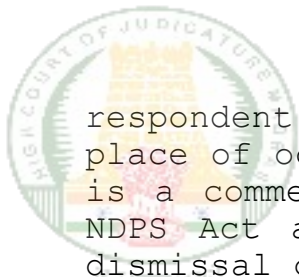
The petitioner /A who was arrested and remanded to judicial custody on 02.01.2023 for the offences under sections 8(c)r/w.20(b) (ii)(C) of NDPS Act seek bail.

2. The case of the prosecution is that the petitioner and other co-accused were found in possession of 56 Kgs of ganja, which is a commercial quantity, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case and he is an innocent. He would further submit that the petitioner is in jail from 13.10.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor has produced the call details in order to connect all the three accused persons with the contraband. Further, the learned Additional Public Prosecutor submitted that the petitioner and other accused, on seeing the

<https://www.judhctgov.in/jdis>



respondent police, they left the contraband and escaped the place of occurrence. He further submitted that the quantity involved is a commercial quantity and there is a bar under Section 37 of NDPS Act and does they are not entitled for bail and prayed for dismissal of the petition.

WEB COPY

5. Even according to the case of the prosecution all the accused persons were found in conscious possession of ganja weighing 56kgs, which falls under the category of commercial quantity. Further as per Section 37 of the NDPS Act, if the petitioner fails to satisfy the twin test as contemplated under the Act the petitioner is not entitled for bail. Hence this Court is not inclined to grant bail to the petitioner.

6. In the result, this petition stand dismissed.

sd/-

15/03/2023

/ TRUE COPY /

/03/2023

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

Ns

TO

1 THE INSPECTOR OF POLICE
ADIRAMPATTINAM MPS, POLICE STATION,
CSG CID, NAGAPATTINAM DISTRICT.

2 THE OFFICER INCHARGE,
SUB JAIL, PAPANASAM, THANJAVUR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SAKTHIVEL R, Advocate (SR-4334[I] dated 16/03/2023)

ORDER

IN

CRL OP(MD) No.2534 of 2023

Date :15/03/2023

RS/CG/SAR-4(24.03.2023) 2P 5C