



WEB COPY

CRL OP(MD).



23

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

Date : 06/03/2023

PRESENT

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

CRL OP(MD) . No.3771 of 2023

1. Senthil

2. Palaniyappan ... Petitioners / Accused No.7 & 8

Vs

The State by
The Inspector of Police,
Dindigul Town West Police Station,
Dindigul.

(Crime No. 568 of 2022.) ... Respondent / Complainant

For Petitioners : M/s.Balakarthick.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. 568 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners /A7 and A8 who were arrested and remanded to judicial custody on 02.01.2023 for the offences under sections 8(c) r/w.20(b) (ii) (C) and 25 of NDPS Act seek bail.

2. The case of the prosecution is that the A1 was found in illegal possession of 21kgs of ganja and other accused were found in possession of 16kgs of ganja, totalling 37kgs which is a commercial quantity, hence the case.

<https://www.mhc.tn.gov.in/jud> The learned counsel for the petitioners would submit that



the petitioners are falsely implicated in this case and are innocent. He would further submit that the petitioner is in jail from 02.01.2023, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that there are nine accused in this case and the petitioners herein are arrayed as A7 and A8. 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.

5. It is seen that there are nine accused in this case and the petitioners herein are arrayed as A7 and A8. Even according to the case of the prosecution all the accused person joined together and purchased ganja from Andhra and the accused were found in conscious possession of ganja weighing 37kgs 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/-
06/03/2023

/ TRUE COPY /

/03/2023

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

AAV

TO

1.The Superintendent,
Central Prison, Madurai.

2.The Inspector of Police,
Dindigul Town West Police Station,
Dindigul.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3771 of 2023
Date :06/03/2023