WEB COPY

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.3917 of 2023

Ayyappan ... Petitioner / Accused No.1

Vs

State of Tamil Nadu
The Inspector of Police,
Tiruvarur Town Police Station,
Tiruvarur
(Crime No.396 of 2022). ... Respondent / Complainant

For Petitioner : M/s.Y.Prakash, Advocate.

For Respondent : T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

C-32 B. For Bail in Crime No.396 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 02.11.2022 for the offences under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act.

2. The case of the prosecution is that the petitioner was found in possession of 21kg and 500gram of ganja, which is a commercial quantity.

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 02.11.2022, hence he seeks bail.

4. The learned Additional Public Prosecutor submitted that the quantity of contraband involved is a commercial quantity and there

https://www.mhc.tn.gov.in/judis

WEB COPY

is a bar under Section 37 of NDPS Act and does they are not ed for bail and prayed for dismissal of the petition.

5. Even according to the case of the prosecution the petitioner was found in possession of ganja weighing 21kg and 500gram, 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,
Thiruvarur Town Police Station,
Thiruvarur.

2.The Superintendent,
Central Prison,
Trichy.

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

ORDER
IN
CRL OP(MD) No.3917 of 2023
Date :15/03/2023

ED/ CG /SAR- 3(23/03/2023) 2P 4C

https://www.mhc.tn.gov.in/judis