



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/03/2023

PRESENT

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

CRL OP(MD) . No.4586 of 2023

Gowtham

... Petitioner/Accused No.2

Vs

State Rep.by

The Inspector of Police,
Dindigul NIB CID Police Station,
Dindigul.

Crime No.09/2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan C,
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.09/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 20.07.2022 for the offences punishable under Sections 8 (c) and 20(b)(ii)(c) of NDPS Act in Crime No.09 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 20.500kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that there are two accused involved in this case and the petitioner is arrayed as A2 and he is the son of A1. Even according to the case of the prosecution, the respondent police seized the alleged contraband only from A1 and no contraband was seized from the petitioner. Though the petitioner is the son of A1 and he never involved in any crime sofar, except the present case. He further submitted that the petitioner is a daily wager and he is no way

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connected with the contraband as alleged by the prosecution. The petitioner's father is having previous cases, no case is pending against the petitioner. He further submitted that the petitioner is in judicial custody from 20.07.2022 and hence, he would seek for bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was also present in the place of occurrence along with A1, while seizing the contraband. The contraband is weighing 20.500kgs. In fact, the first accused purchased the said contraband from Andrapradesh and reached to bus stand and immediately he called his son, namely, the petitioner herein to bus stand and both were jointly in conscious possession of the above said contraband. That apart, the petitioner has failed to fulfil the condition as contemplated under Section 37 of NDPS Act.

5. Heard. Perused the materials available on record including the FIR.

6. Taking into consideration the facts and the submissions made by both the counsels and also taking note of the fact that the quantity of Ganja involved in this is 20.500 kgs, which is a commercial quantity and the petitioner having not satisfied the condition under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

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

sd/-

10/03/2023

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/03/2023

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

SJI

TO

- 1 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL.
- 2 THE INSPECTOR OF POLICE, DINDIGUL NIB CID POLICE STATION, DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4586 of 2023

Date : 10/03/2023

RS/MMS/SAR-1(24.03.2023) 2P 4C