



WEB COPY



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

Date : 28/04/2023

PRESENT

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

CRL OP(MD). 7640 of 2023

Ganesan

... Petitioner/A9

Vs

State rep., by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
(Crime No.537 of 2022)

... Respondent/Complainant

For Petitioner : M/s.D.Ramya

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

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

PRAYER :-

For Bail in Crime No.537 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 24.04.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, 1985, in Crime No.537 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the basis of the secret information, the respondent police conducted a vehicle checkup in Peravurani to Aranthangi Main Road at Siththadhikaadu Main Junction. At that time, the respondent police stopped the Ashok Leyland Dosth bearing Registration No.TN 48 AJ 2013 and Ashok Layland Bose bearing Registration No.TN 67 AK 6252 and searched the same and found that 8 gunny bags, each contained 20kgs of ganja, totally 416kgs of contraband and seized the same.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A9. Even according to the case of the prosecution, the petitioner has been implicated as an accused only on the confession statement of A5. Further, he is the son-in-law of A3 and as such, he has been falsely implicated as an accused in this case. There was no recovery from the petitioner. He would further submit that he was arrested and remanded to judicial custody on 24.04.2022. Therefore, he seeks for bail.



4. The learned Additional Public Prosecutor would submit that the petitioner is arrayed as A9, who is none other than the son-in-law of A3. Totally 416kgs of ganja was recovery from all the accused persons. They were in conscious and constructive possession of Ganja weighing 416kgs. On the confession statement of A5, the petitioner has been implicated as an accused in the FIR and subsequently, 2kgs of ganja was recovered from the petitioner.

5. It is seen that there are totally 15 accused in this case and the petitioner herein is arrayed as A9, who is none other than the son-in-law of A3, his wife is arrayed as A10 and her application for bail was considered by this Court in Crl.O.P(MD).No.4956 of 2023 by order dated 27.03.2023 on the ground that she is a lady and there was no recovery from her, whereas as far as the petitioner is concerned, on the confession of A5, the very next day of the occurrence, 2kgs of contraband was recovered from the petitioner. Therefore, the petitioner along with other accused persons were found in conscious and constructive possession of contraband weighing 416kgsm of ganja, which is the commercial quantity. Therefore, the petitioner failed to make out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Accordingly, the Criminal Original Petition is dismissed.

sd/-

28/04/2023

/ TRUE COPY /

/05/2023

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

RMK

TO

- 1 THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION, THANJAVUR DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, THANJAVUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7640 of 2023

Date :28/04/2023