



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

Date : 30/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11685 of 2023

WEB COPY

Manikandan

... Petitioner/1st Accused

Vs

The State Rep.by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.282/2022).

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian N,
Advocate.

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

PRAYER :-

For Bail in Crime No.282 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

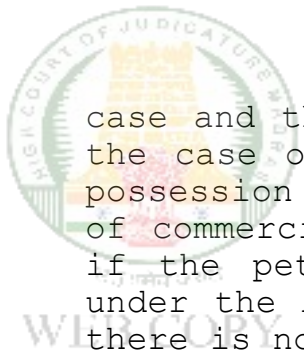
The petitioner / Accused, who was arrested on 16.11.2022, for the offences under section 8(c) r/w. Section 20(b)(ii)(C) of NDPS Act, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 136 kgs of ganja, hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is falsely implicated in this case and he is innocent. He would further submit that the petitioner is in jail from 16.11.2022 onwards. He would further submit that the petitioner/A1 was detained illegally by the respondent police on 15.11.2022. Hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were found in possession of 136 kgs of ganja and on seeing the respondent police, all the accused persons flew away from the scene 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.

<https://www.mhc.tn.gov.in/judges>. It is seen that totally there are eleven accused in this



case and the petitioner herein is arrayed as A1. Even according to the case of the prosecution all the accused persons were found in possession of ganja weighing 136 kgs which falls under the category of commercial quantity. Further as per Section 37 of the NDPS Act, if the petitioner fail to satisfy the twin test as contemplated under the Act the petitioner is not entitled for bail. That apart, there is no change of circumstances in this case.

6. Hence, this Court is not inclined to grant bail to the petitioner. This Petition stands dismissed.

sd/-

30/06/2023

/ TRUE COPY /

/ 07 /2023

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

LS

TO

1. The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
2. The Officer In-Charge,
District Prison, Pudukkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.11685 of 2023

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RD(06/07/2023) 2P 4C