



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 21.06.2023

PRESENT

WEB COPY

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

CRL OP(MD)No.11088 of 2023

Thirunavukarasu

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.87 of 2023)

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.87 of 2023 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 06.05.2023 for the offence under section 8(c) r/w 20(b) (ii)(C), 25, 29(1) of NDPS Act in Crime No.87 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 05.05.2023, when the respondent police conducted ride at Kodangipatti, the accused persons came in two wheeler. The police stopped them and the accused persons tried to escape from the scene of occurrence. However, the police party caught them and seized three bags containing 11 kgs, 6 kgs and 4 kgs of ganja respectively and totally 21 kgs of ganja recovered. Hence the case.

3.The learned counsel appearing for the petitioner would submit that according to the case of the prosecution, the petitioner



was in possession of 11 kgs of ganja, which is not commercial quantity.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other accused persons were found along with three white bags, in which 11 kgs, 6 kgs and 4 kgs ganja was found. Therefore, they were under conscious and constructive possession of ganja and it is commercial quantity.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. It is seen that there are totally five accused persons in this case, in which, the petitioner herein is arrayed as A1. The petitioner and other accused persons were found joint possession of 21 kgs of ganja, which is commercial quantity. Hence, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
21/06/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

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

ORDER
IN
CRL OP(MD) No.11088 of 2023
Date : 21/06/2023

PKP/VR/SAR- /04.07.2023/ **2P/4C**