



WEB COPY

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

Dated: 21/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12965 of 2023

Nagalakshmi

: Petitioner/ A6

Vs.

State rep. by
The Inspector of Police,
Town West Police Station,
Dindigul District.
(In Crime No.568 of 2022)

: Respondent/ Complainant

For Petitioner : Mr.M.SUBASH BABu, Senior Counsel
for M/s.SUBASH LAW OFFICE

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:-For Bail Crime No.568 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 02/01/2023 for the offences punishable under sections 8(c) r/w 20(b)(ii)(C) and sections 25 and 29(1) of the NDPS Act, in Crime No.568 of 2020 on the file of the respondent police, seeks bail.



WEB COPY

2.The case of the prosecution is that on 31/12/2022 at about 05.00 pm, the de-facto complainant received secrete information. On the basis of the above said information, after making entry in the GD along with police team, they were doing vehicle check up on the Dindigul Maruthanikulam road, at that time, at about 06.00 pm, these accused persons were found standing near a two wheeler in a suspicious manner. Those persons were identified by the informer. They were apprehended and disclosed their name. They made a search in the two wheeler. They received 21 kgs of Ganja. On enquiry disclosed that they purchased the same from unknown persons and stored the same back side of the Suresh Kumar's house for the purpose of selling. Now they are waiting for the customers. On the basis of the disclosure statement as well as recovery of Ganja, further process was undertaken as per the procedure and rules.

3.Pending the above said investigation, the involvement of this petitioner came to light. He was also arrested on 02/01/2023 and remanded to judicial custody.

4.Seeking bail, this petition has been filed by the petitioner on the ground that even as per the allegation that has been made by the prosecution, only 16 kgs of Ganja has been recovered from this petitioner; It is not a commercial quantity; He is entitled for bail, since he is not having any bad antecedents.

5.Per contra, the learned Additional Public Prosecutor would submit that huge quantity of Ganja has been recovered from all the accused persons. Since it has been



stated that huge quantity of Ganja has been purchased from unknown persons in Andhra Pradesh, transporting the same to Tamil Nadu, separating it for selling by the accused persons. So according to him, the total quantity of Ganja that have been involved in the above said crime must be taken into account as a single unit.

6.Per contra, the learned Counsel appearing for the petitioner would submit that consistent view has been taken by this court in various matters that only the independent recovered quantity must be taken into account and not the entire quantity.

7.So the question, which arises for consideration is whether this argument can be accepted and maintainable.

8.The quantity involved in a crime depends upon the facts and circumstances of each and every case. Particularly, in respect of the drug matters, no two cases can be seen. Now much quantity has been purchased. If huge quantity is purchased by one person, separating the same, distributing to various persons for the purpose of sale, then the quantity that was purchased alone must be taken into account and not the separate individual possession. If such procedure is adopted the very object of the



9. So, I find no merit in this petition. Accordingly, this criminal original petition
WEB COPY
is **dismissed**.

sd/-
21/07/2023

/ TRUE COPY /

/08/2023

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

er

TO

- 1 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION,
DINDIGUL DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12965 of 2023
Date :21/07/2023

SS/MMS/03/08/2023/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023