



CRL OP(MD). No.17955 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 16/11/2023

Delivered on : 21/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17955 of 2023

A.Kubendran

... Petitioner/ Accused 7

Vs

The Inspector of Police,
Dinidigul Taluk Police Station,
Dindigul District.
in Crime No.727 of 2019

... Respondent/Complainant

For Petitioner : Mr.K.MADHU
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.727 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7 who was arrested and remanded to judicial custody on 01.02.2022 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 29 (1) and 25 of NDPS Act, 1985, in Crime No.727 of 2019, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 06.12.2019 at about 11.45 hours, the accused Nos.1 to 5 were found in possession of 213 Kgs Ganja and they were arrested. In their confession statement, they confessed that those Ganjas were brought by this petitioner and his brother, by name, Ravi. Hence, the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Based on the confession of the accused Nos.1 to 5, this petitioner has been implicated in this case. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police by filing a counter affidavit would submit that 213 kilo grams of Ganja has been recovered from the accused persons, which is the commercial quantity. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record.

6.On perusal of the records, it is revealed that the petitioner was arrested on 01.02.2022 by the respondent police based on the confession of the accused Nos.1 to 5. The seized contraband is the commercial quantity. The condition to grant bail is stated by the provision of Section 37 of the NDPS Act. It can be granted in a case where there are reasonable grounds for believing that the accused is not a guilty of the said offence or that he is not likely to commit any offence while on bail. Drug



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offence causes deleterious effects and deadly impact on the society and hazard to the society. In the instant case, there is no reasonable ground for believing that the petitioner is not guilty of the said offence. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
21/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO

1 THE I ADDITIONAL SPECIAL JUDGE
TO TRIAL OF NDPS ACT CASES, MADURAI.

2 THE SUPERINTENDENT, PUZHAL PRISON, CHENNAI.

3 THE INSPECTOR OF POLICE,
DINIDIGUL TALUK POLICE STATION, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.MADHU, Advocate (SR-16570[I] dated 21/11/2023)

ORDER IN
CRL OP(MD) No.17955 of 2023
Date :21/11/2023

SA/JGB/SAR. /22.11.2023/3P/6C

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