



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 01/11/2023
Delivered on : 03/11/2023

PRESENT

The Hon'ble Mr.Justice **V.SIVAGNANAM**

CRL OP(MD). No.18121 of 2023

C.Alwin

... Petitioner/ A4

Vs.

The Inspector of Police,
NIB CID,
Thoothukudi District.
Crime No.03/2022.

... Respondent/Complainant

For Petitioner : Mr.G.Karuppasamy Pandian
for Mr.NA.Manimaran

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

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

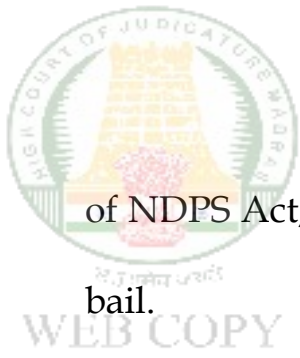
PRAYER :-

To enlarge the petitioner on bail in connection with the in CC No.56/2023 in Crime No.3/2023 on the file of the respondent herein.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on
<https://www.mhc.tn.gov.in/judis>

15.08.2023 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25



of NDPS Act, 1985, in Crime No.3 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.07.2021, a car was found in a lonely place, wherein there was a huge quantity of Ganja weight about 79 Kilo grams available in the back portion of Car. On investigation, the complicity of all the accused comes into surface. Based on the confession of the first accused, the petitioner's name is implicated. Hence, the case.

3.The learned counsel appearing for the petitioners would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner neither present in the scene of occurrence nor involved in the actual transportation of contraband. Based on the confession of the first accused, 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 79 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

15.08.2023 by the respondent police based on the confession of the first accused. The

<https://www.mhc.tn.gov.in/judis>

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 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/-
03/11/2023

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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 Court for Trial of NDPS Cases,
Madurai.
- 2.The Superintendent, Central Prison, Madurai.
3. The Inspector of Police,
NIB CID, Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

CRL OP(MD) No.18121 of 2023

Date :03/11/2023

SI/ /SAR- /23.11.2023/3P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.