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CRL OP(MD). N



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

Date : 19/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22640 of 2022

Nalla Ibrahim

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Paramakudi Nagar Police Station,
Ramanathapuram District.
Crime No.96 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Jinnah S.M.A.,
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.96 of 2021 on the file of the Respondent Police.

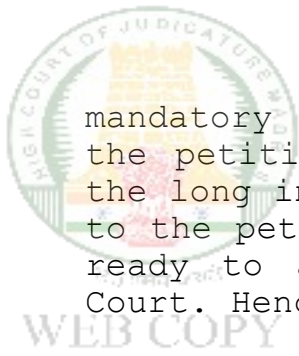
ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 27.05.2022 for the offences punishable under Sections 8 © r/w.20(b)(ii)(C), 27A, 29(1) of NDPS Act in Crime No. 96 of 2021 on the file of the respondent police, seeks bail.

2. Notice was issued to the learned Additional Public Prosecutor and counter was filed by the prosecution.

3. The case of the prosecution is that the petitioner was found in illegal possession of 90Kgs of Ganja. Hence the case.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that since he has sent complaint against the Deputy Superintendent of Police, Keelakarai a false case was foisted against him. He would further submit that the



mandatory provisions have not been followed during the arrest of the petitioner. The petitioner is in custody from 27.05.2022 and the long incarceration before the trial would cause grave injustice to the petitioner and his family members and that the petitioner is ready to abide by any conditions that shall be imposed by this Court. Hence he seeks bail.

5. The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender involved in the offence of narcotics substances. He would further submit that the petitioner has got ten previous cases pending against him and out of which eight are registered for the offence under the NDPS Act in which two cases are for commercial quantity. He would further submit that the petitioner was found in possession of 90 kgs ganja and the said quantity involved in the case is commercial quantity which attracts Section 37 of NDPS Act. The petitioner being a habitual offender involved in Narcotics case will not be entitled to grant of bail in view of the bar under section 37 of the NDPS Act. Hence he strongly opposed to grant bail to the petitioner/accused. In support of his contention the learned Additional Public Prosecutor relied on the judgment of the **Hon'ble Apex Court in the case of Union of India NCB .vs. Khalil Uddin Etc in Criminal Appeal No.1841-1842/2022 dated 21.10.2022.**

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

7. The petitioner is arrayed as A3 The contraband involved in this case 90kgs which is commercial quantity. Further the petitioner has got ten previous cases pending against him and out of which eight are registered for the offence under the NDPS Act in which two cases are for commercial quantity. In the opinion of this Court, the petitioner has not satisfied the conditions as required under the mandate of section 37 of the NDPS Act for grant of bail.

8. In the result, the Criminal Original Petition stands dismissed.

sd/-
19/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE OFFICER INCHARGE,
DISTRICT JAIL,
PUDHUKOTTAI.

2 THE INSPECTOR OF POLICE
PARAMAKUDI NAGAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.JINNAH S.M.A. Advocate SR.No.903(I)

ORDER

IN

CRL OP(MD) No.22640 of 2022

Date :19/01/2023

VA/MMS/SAR-3/27.01.2023/2P/5C