



CRL OP(MD). No.6066 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6066 of 2024

Vinoth Kumar

... Petitioner/3rd Accused

Vs

The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.103/2024).

... Respondent/Complainant

For Petitioner : Mr.B.Kumaresan, 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.103/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 29.02.2024 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.103 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent police intercepted the

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



CRL OP(MD). No.6066 of 2024

accused 1 to 4 and recovered 6kgs of ganja from each of them, totally 24kgs of Ganja.

WEB COPY

Further, on enquiry, the accused persons gave a confession statement before the respondent police stating that the contraband was procured by the petitioner and other accused persons. Hence, a case in Crime No.103 of 2023 was registered against the petitioner and other accused persons.

3.The learned counsel for the petitioner submits that as per the recovery mahazar only 6kgs of ganja has been recovered from the petitioner.

4.The learned Additional Public Prosecutor submits that the petitioner along with A1 to A3 travelled in a car bearing Registration No.TN-64-Y-4653 and each of them possessed 6kgs of Ganja, totally 24kgs of Ganja, which is a commercial quantity and the same was recovered by the respondent police. In this regard, he also relied upon Section 37(1)(b) of the NDPS Act that it is not the matter of possession and if he is involved in a case of commercial quantity, he is not entitled for bail under Section 37 of the NDPS Act.

5.This Court considered the rival submissions made on either side.

6.Section 37(1)(b) of the NDPS Act is extracted as under:

“37. Offences to be cognizable and non-bailable.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),-

.....



CRL OP(MD). No.6066 of 2024

WEB COPY

(b) no person accused of an offence punishable for 1[offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless-

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

.....”

7. Though the petitioner claims that it is only 6kgs of Ganja has been recovered, the respondent police has also recovered similar quantity of contraband from the other accused, who were travelled in the above said car. Therefore, this Court is not inclined to accept the plea. Hence, this petition is dismissed.

sd/-
25/04/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



CRL OP(MD). No.6066 of 2024

TO

WEB COPY

1 THE INSPECTOR OF POLICE, THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

2 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI.

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

+1 CC to M/s.B.KUMARESAN, Advocate (SR-4922[I] dated 25/04/2024)

ORDER

IN

CRL OP(MD) No.6066 of 2024

Date :25/04/2024

RS/JGB/SAR-(06.05.2024) 4P 5C

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