



CRL OP(MD). No.13086 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.13086 of 2024

C.Selvam

... Petitioner/ A3

Vs

State Rep. by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City
Crime No.227 of 2024

... Respondent/Complainant

For Petitioner : Mr.NA.Manimaran
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.227 of 2024 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



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03.05.2024 for the offences under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of NDPS

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Act, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police intercepted the petitioner and the other accused, recovered 2 kgs of ganja.

3.The contention of the learned counsel for the petitioner is that there is a time lag between the recoveries and therefore, they cannot be added and put together as a commercial quantity. He would further submit that only money alone was recovered from the petitioner and therefore, seeks bail. He would also rely upon the earlier orders of this Court under similar circumstances, where the quantity was treated only as an intermediate quantity and not as a commercial quantity.

4.The Additional Public Prosecutor submits that the recovery is all pursuant to the confession of the one accused and the other arising out of the same transaction. Therefore, it should be treated as a commercial quantity. He would submit that one of the accused is yet to be apprehended and the investigation is still pending.

5.I have considered the rival submissions made on either side and perused the material records of the case.



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6.The petitioner was arrested on 03.05.2024 and it is stated by the prosecution that the investigation is still pending and yet another accused is to be apprehended. So far it is seen that the recovery of cash is also made and the materials in the form of CDRs, whereunder, all the accused are in connection with each other and are talking regularly to each other are also gathered.

7.In view of the *prima facie* materials, at this stage, the question whether the recoveries are to be treated as independent or there is a time lag cannot be decided and as such, I am of the view that when the investigation is not even over, for the present this is not a case for a release of the petitioner on bail.

8.Accordingly, this petition is dismissed.

sd/-
16/08/2024

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/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO
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- 1 THE INSPECTOR OF POLICE
SS COLONY POLICE STATION,
MADURAI CITY
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13086 of 2024
Date :16/08/2024

SS/VR/SAR- /23/08/2024/4P/4C

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