



CRL OP(MD). No.14754 of 2024

WEB COPY

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

Date : 12/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14754 of 2024

Harunkumar

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
Ss Colony Police Station,
Madurai District.
(Crime No.227/2024).

... Respondent/Complainant

For Petitioner : M/s.SMA.Jinnah, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.227/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 19.05.2024 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(B) @



CRL OP(MD). No.14754 of 2024

20(b)(ii)(c), 25, 29(i) of NDPS Act, in Crime No.227 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the other accused were found in possession of 8.5 kgs of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that on a perusal of the materials of the case, it cannot be said that the entire recovery arises out of the same transaction. In view of the time lag, it can be seen that all the transactions should be different. Therefore, this is not a case involving commercial quantity, as the quantity recovered from the bus of the petitioner is only 8.5 kilograms. The petitioner is only the driver of the bus. When the police intercepted, the petitioner promptly cooperated. It is erroneous to allege that the passenger was seated in the cabin and that the trolley also travelled only in the cabin. The money recovered by the police is nothing but the money, which is paid by the other passengers, who travelled in the bus. The petitioner did not get any extra money from the accused, from whom the ganja was recovered. The petitioner has absolutely no complicity in the case. He himself has suffered an accident and closed down his business, and he is presently working as a driver. For all the above circumstances, he would pray that this court should consider and enlarge the petitioner on bail.

4. The application for bail is opposed by the learned Additional Public



CRL OP(MD). No.14754 of 2024

Prosecutor. He would submit that this contraband involved in this case is commercial quantity.

5. Considering the fact that the case involves totally 23.600 kilograms of Ganja. It can be seen that it is a huge haul. As far as the arguments of the learned counsel for the petitioner, it is too early to consider whether the transaction is a single or separate transaction. When the quantity involved is a commercial quantity and prima facie materials show that the other person, namely, the accused Nos.6 & 7, who have travelled without any ticket in the cabin of the bus, and that the petitioner was also having possession of Rs.4,000/-, I cannot hold at this point of time that the petitioner did not have any complicity so as to come out of the rigour of Section 37 of the NDPS Act.

6. With the above observation, this Criminal Original Petition stands dismissed.

sd/-
12/09/2024

/ TRUE COPY /

/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



CRL OP(MD). No.14754 of 2024

To

WEB COPY

1.The Inspector of Police,
SS Colony Police Station,
Madurai District.

2.The Superintendent,
Central Prison, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.14754 of 2024

Date :12/09/2024

ED/ JGB /SAR- (26/09/2024) 4P / 4C

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