



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

Date : 10/07/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.6217 of 2020

Murugan @ Pozhi Murugan

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
N.I.B.C.I.D.,
Theni District.
(Crime.No. 101 of 2019)

... Respondent/Complainant

For Petitioner : No appearance.

For Respondent : Mr.A.Robinson,
Government Advocate (Criminal Side)

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

PRAYER :-

For Bail in Crime.No. 101 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

None appears for the petitioner.

2. Heard the learned Government Advocate(Criminal Side) appearing for the respondent.

3. The petitioner was arrested and remanded to Judicial Custody on 21.08.2019 for the offences punishable under sections 8(c) r/w. 20(b), (ii), (C) of NDPS Act, in Crime No.101 of 2019 on the file of the respondent police. He seeks bail.

4. It is seen that the petitioner's case on hand involves commercial quantity. Therefore, the twin test laid down under Section 37 of NDPS Act will have to be satisfied.



5. The learned Government Advocate(Criminal Side) states that the petitioner is having five previous cases, apart from the case on hand. Out of them, one involves commercial quantity. All the previous cases also arise under the provisions of NDPS Act.

6. Therefore, this Court will not be in a position to give a finding that the petitioner is not likely to commit the offence. Since the twin test under Section 37 of NDPS Act is not satisfied in this case, the bail petition has to be dismissed. Accordingly, it is dismissed.

sd/-
10/07/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
2. THE INSPECTOR OF POLICE,
N.I.B.C.I.D.,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6217 of 2020
Date :10/07/2020

PMU
SRS/ VR/ SAR-III/ 14.07.2020/ 2P/4C