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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15022 of 2021

Chenthil ... Petitioner/3rd Accused

Vs

State rep.by
The Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.
(Crime No.435 of 2021) ... Respondent/Complainant

For Petitioner : M/s.Pragalathan N, Advocate.

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.435 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 18.07.2021, for the offence punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in Crime No.435 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on receiving secret information, the respondent Police conducted a vehicle check-up and on 18.07.2021 at about 7.45 a.m., they stopped a two-wheeler bearing Reg.No.TN74L 0263, in which, the petitioner and two other accused persons travelled and on search, they found a bag containing 21 kgs. of ganja. Hence, the respondent Police arrested the accused persons and seized the ganja.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that

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there was no recovery from the petitioner. However, he has been languishing in jail from 18.07.2021. Hence, he prayed for grant of bail.

4. The learned Additional Public Prosecution appearing for the respondent Police opposed for grant of bail stating that on the date of occurrence, the petitioner was present along with two other accused persons and the contraband has been recovered from all the three accused persons at the time of occurrence. Therefore, the petitioner was arrested.

5. Considering the nature of offence and the fact that the contraband has been recovered from all the three accused persons and in view of provisions under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
25/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
   ARALVOIMOZHI POLICE STATION,
   ARALVOIMOZHI,
   KANYAKUMARI DISTRICT.

2. THE SUPERINTENDENT,
   CENTRAL PRISON, PALAYAMKOTTAI.

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

ORDER
IN
CRL OP(MD) No.15022 of 2021
Date :25/10/2021

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SP/VR/SAR IV/01/11/2021/2P/4C