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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.5564 of 2022

Sathish

... Petitioner/Accused No.5

Vs

1. State rep.by
The Inspector of Police,
Avaniapuram Police Station,
Madurai City.
(Crime No.668/2021)

2. The Inspector of Police,
NIB-CID,
Madurai District.
(Crime No.32/2021)

3. Mr.Thangeswaran,
Special Public Prosecutor
for NDPS Cases, Madurai.

... Respondents/Complainants

(R3 Suo Motu impleaded as
per Order of this Hon`ble
Court Dated 20.04.2022,in
Crl.Op.(MD).Nos.3770, 4343,
5564, 5565 and 7025 of 2022
by BPJ)

For Petitioner : M/s.B.Santhanam Rajesh Kumar, Advocate
for M/s.Jamuna Bharathi S, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.32/2021 on the file of the Respondent
Police.



ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

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2.The petitioner/Accused No.5, who was arrested on 10.08.2021, for the offence punishable under Sections 8(c), 20(b), (ii) (C), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 & 25(1A) of Arms Act in Crime No.32 of 2021, on the file of the respondent police, seeks bail.

3.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 190 kgs of ganja. Hence, the complaint.

4.The learned counsel appearing for the petitioner submits this is the second application filed by the petitioner for bail. He further submits that the case has been foisted against the petitioner and there was no other material except the confession statement of the first accused as against the petitioner. The accused Nos.1 to 3 are the main accused in this case and 130 kgs of ganja had been recovered from the house of the sixth accused and 60 kgs of ganja had been recovered from the accused Nos.1 to 3 and they have been released on bail by the trial Court. This petitioner is arrayed as Accused No.5 and he is languishing in jail from 10.08.2021. Hence, he prayed to released the petitioner on bail.

5.The learned Government Advocate (Crl.Side) confirmed the grant of bail to the main accused Nos.1 to 3 by the trial Court. He submits that the case was originally registered by the Inspector of Police, Avaniapuram and considering the quantity of ganja(Totally 190 kgs of ganja, out of which, 130 kgs had been recovered from the house of the A6 and 60 kgs of ganja had been recovered from the accused 1 to 3), the case was transferred to NIBCID Police. Further investigation was conducted by the NIBCID police and final report was also filed and the same is pending in CC No.304 of 2022. He further submits that four previous cases are pending as against the petitioner and he strongly opposed to release the petitioner on bail.

6.This Court considered the rival submissions made and perused the materials placed on record.

7.Earlier application filed by the petitioner was dismissed by this Court, considering the quantity of ganja (190 kgs)involved in this case. It is also reported that four previous case are pending against the petitioner.

8.Considering the fact that there is no change in circumstances, after the dismissal of earlier petition and also taking into consideration the fact that the petitioner is having



four previous cases to his credit, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the Criminal Original Petition is dismissed.

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Sd/-
29/04/2022

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/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE,
AVANIAPURAM POLICE STATION,
MADURAI CITY.
2. THE INSPECTOR OF POLICE,
NIB-CID,
MADURAI DISTRICT.
3. MR. THANGESWARAN,
SPECIAL PUBLIC PROSECUTOR
FOR NDPS CASES, MADURAI.
4. THE OFFICER INCHARGE,
DINDIGUL DISTRICT JAIL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.5564 of 2022
Date : 29/04/2022

SP/SVR/SAR II/10/06/2022/3P/6C