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

Dated: 05/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.OP(MD)No.9354 of 2022

1.Sarathkumar

2.Haji Ali

: Petitioners/A1 and A2

Vs.

State rep. By
The Inspector of Police,
NIB-CID Police Station,
Madurai,
Madurai District.

(Crime No.2 of 2022)

: Respondent/Complainant

For Petitioner : Mr.A.R.Kannapan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

PRAYER :-

C-32B-For Bail in Crime No.2 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order:-



The petitioners, who are arrayed as A1 was arrested, on 28/08/2021 and A2 was arrested, on 30/08/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b), (ii) (c), 25 and 29(1) of NDPS Act, in Crime No.2 of 2022, seek bail.

2.The case of the prosecution is that the de-facto complainant along with the police team were on the regular vehicle check up near Sellur Melthoppu, M.G.R Bridge. At that time, a Car bearing registration No.TN-39-AQ-9090 was found driven by Haji Ali and he escaped from that place. One Sarathkumar was alone was available with suspected bags. On getting the above information from the police informer, they went to the place of occurrence at about 5.20 am. They spotted the accused Sarathkumar and search was made and found in possession of 74 kgs of ganja and 206 kgs of sawdust was also found. Further sampling process was undertaken as per the rules. The above said Sarathkumar/A1 was arrested on the spot and remanded to judicial custody. Similarly, Haji Ali/A2 is also stated to be the driver of the vehicle was also arrested and remanded to judicial custody.



3. Seeking bail, the petitioners, who are arrayed as A1 and A2 have filed this petition seeking bail.

4. Heard both sides.

5. A1-Sarathkumar was arrested on 28/08/2022 and A2-Haji Ali was arrested on 30/08/2021. later the case was transferred to NIB-CID police, Madurai and renumbered as Crime No.2 of 2022. A huge quantity of ganja has been recovered from the possession of A1. So far as A2 is concerned, he is stated to be the driver of the vehicle and escaped from the place of occurrence. When the huge quantity of ganja has been recovered, it requires thorough investigation. A3 is stated to be the ganja seller. He is the professional offender. It is seen that from him, the above said ganja has been purchased.

6. Naturally section 37 of the NDPS Act must be strictly complied. Except stating that now final report has been filed in CC No.237 of 2022 and they are innocent persons and they are in custody for more than 200 days, no other ground has been mentioned.



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7.The bail applications that were filed by A1 and A2 came to be dismissed by the trial court in CrI.M.P Nos. 325 and 433 of 2022 respectively stating that section 37 of the NDPS Act has not been complied. So, I find no reason to differ from the view that has been taken by the trial court.

8.In the result, this criminal original petition is **dismissed.**

(G I J)
05.08.2022

ER

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,
NIB-CID Police Station,
Madurai,
Madurai City.
- 2.The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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