



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10725 of 2022

Vigneshkumar @ Love failure

...Petitioner/Accused No.8

Vs

The State represented by
The Inspector of Police,
Koodalpudhur Police Station,
Madurai District.
(Crime No.1388 of 2020)

... Respondent/Complainant

For Petitioner : Mr.S.S.Sundarapandian, Advocate.

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

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

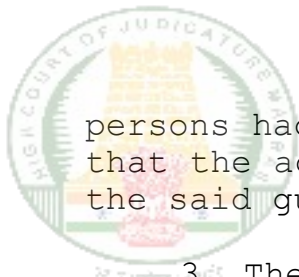
PRAYER :-

For Bail in Crime No.1388 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.8, who was arrested and remanded to judicial custody on 14.12.2020 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(c) and 29(1) of NDPS Act, in Crime No.1388 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.09.2020 at about 14.45 hours, while the respondent police were doing their patrolling duty at Imaiyan Nagar, 1st street, the respondent police has found that 15 persons were in possession of gunny bags, that on seeing the police party, the accused persons tried to escape from that place and the respondent police caught hold of three persons and other



persons had escaped from that place and that on search, it was found that the accused were in illegal possession of 22.000 kg of Ganja in the said gunny bags and they have arrested them.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the petitioner is having one previous case under NDPS Act.

5. This Court, after considering the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and after considering the materials produced, has specifically held that since the petitioner is having one previous case under the NDPS act, this Court cannot record a finding that the petitioner is not likely to commit any such offence, after coming out on bail and on that ground the earlier application was dismissed by this Court vide order dated 07.04.2022.

6. Considering the above facts and circumstances of the case and also the fact that this Court has already recorded a finding that the petitioner has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. In the result, this Criminal Original Petition is dismissed.

Sd/-
12/07/2022

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

CSM

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,
KODALPUDHUR 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.10725 of 2022
Date :12/07/2022

SP/JM/SAR III/15/07/2022/3P/4C