



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

Date : 05.07.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.11478 of 2022

WEB COPY

Thirumalai

... Petitioner/Accused No.3

vs.

The State rep.by,
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai.
(Crime No.116 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.K.S.Durai Pandian,
Advocate.

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

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

PRAYER :-

For Bail in C.C.No.388 of 2021 on the file of the I Additional District Judge for NDPS, Madurai.

ORDER : The Court made the following order :-

The petitioner/A.3 is facing a case for the offences punishable under Sections 25(1B)(b) of ARMS Act, and Sections 20(b)(ii)(c), 25, 29(1) and 8(c) of NDPS Act, in C.C.No.388 of 2021 on the file of the I Additional District Judge for NDPS, Madurai, in Crime No.116 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.03.2021, on receipt of secret information, the respondent police team proceeded to the place situated on the North of Madurai Bykara compound wall and South railway track and found that the petitioner and other accused were in possession of 40 kg of Ganja and that the petitioner and other accused were arrested and contraband of 40 kg of Ganja was recovered. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the contraband was not recovered from the petitioner and only on the basis of the confession taken from the first accused, he was implicated in the above case.

4.The learned Additional Public Prosecutor would submit that the accused 1 to 6 were arrested and entire contraband of 40 kgs of ganja was recovered from them.



5.No doubt, the earlier application for bail filed by the petitioner in Crl.O.P.(MD)No.4827 of 2022 was dismissed by this Court vide order dated 01.04.2022.

6.This Court after going through the records has specifically given a finding that since the contraband was recovered from the accused 1 to 6 including the petitioner and they were arrested in the same place, this Court cannot record a finding that the petitioner is not guilty of such offence and therefore the petitioner has not satisfied the conditions as contemplated under Section 37 of NDPS Act, and dismissed the petition.

7.It is not in dispute that charge sheet has already been filed and the case was taken on file in C.C.No.388 of 2021.

8.Considering the above facts and circumstances and also the fact that the petitioner has failed to satisfy the conditions as contemplated under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

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

sd/-
05/07/2022

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/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE I ADDITIONAL DISTRICT JUDGE FOR NDPS, MADURAI.

2.THE INSPECTOR OF POLICE,
SUBRAMANIYAPURAM POLICE STATION, MADURAI.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL OP(MD) No.11478 of 2022
Date :05/07/2022

RK/SVR/SAR-II/08.07.2022 : 2P/5C

<https://www.mhc.tn.gov.in/judis>