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

Date : 20/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12305 of 2022

K.Murugan

... Petitioner/5th Accused

Vs

1. The Inspector of Police,
NIB-CID (Narcotics Intelligence Bureau),
Dindigul Police Station,
Dindigul.

2. The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
(Ref.C.C.No.319 of 2022)

... Respondents/Complainant

For Petitioner : Mr.S.Balasubramanian, Advocate.

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

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

PRAYER :-

For Bail in Crime No.30 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/5th accused, who was arrested on 30.01.2022 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (C), 29 (1) of NDPS Act in Crime No.30 of 2022 on the file of the 2nd respondent police, seeks bail.



2.The case of the prosecution in brief is as follows:-

3.On 30.01.2022, at about 06.15 am., on secret information, the police team along with the police informer went to the place of occurrence and the suspects were identified by the informer. The suspects were apprehended and on enquiry, they revealed their names as Divagar, Vijayakumar, Murugan, S/o.Mookka Thevar, Sowmiya and Murugan, S/o.Karuppana Thevar. On search, they were found in possession of 22 kgs of Ganja and a sum of Rs.3,30,000/- was also recovered and further proceedings were also undertaken as per procedure.

4.All the 5 accused persons have been arrested on the spot and remanded to judicial custody. After completing the formalities of investigation, final report was filed and the same has been taken cognizance in CC.No.319 of 2022 by the concerned Court. The 5th accused has filed a petition seeking bail before the Special Court and the Special Court observing that the twin conditions under Section 37 of the NDPS Act have not been complied with dismissed the said application. Subsequent to that, he has moved this petition.

5.Now, as stated above, the petitioner was apprehended and arrested on the spot by the police team. It is the commercial quantity. So, naturally the petitioner has to satisfy the requirements of Section 37 of NDPS Act. Except stating that except the confession statement of the co-accused, no other material has been collected or available to implicate this petitioner into the offences, no other ground worth considering has been stated.

6.Reading of the FIR shows that all the 5 accused persons have been arrested on the spot itself along with contraband. Not only that, huge amount of Rs.3,30,000/- was also recovered from them. So, the contention on the part of the petitioner that except the confession statement of the co-accused, no other material is available or collected during the course of investigation cannot be accepted at all.

7.Even though the learned counsel for the petitioner submits that A7 was granted bail by this Court in CrI.O.P.(MD) No.6516 of 2022, the case of the 7th accused is standing on different footing than this petitioner that, as mentioned above, they were arrested on the spot itself. More over the 7th accused was found in possession of 1.5 kgs of Ganja. So, the petitioner cannot take advantage of the aforesaid order.

8.Further, there is no guarantee that the petitioner will not commit similar offence in future, if he is released on bail and he will not abscond also. In the absence of any such material to satisfy the twin conditions of Section 37 of NDPS Act, I find no



merit in this petition. This Criminal Original Petition deserves to be dismissed and accordingly, it is dismissed.

Sd/-
20/07/2022

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/ /2022

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

MM

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 (NARCOTICS INTELLIGENCE BUREAU),
DINDIGUL POLICE STATION,
DINDIGUL DISTRICT.
2. THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12305 of 2022
Date :20/07/2022

SP/JM/SAR III/22/07/2022/3P/5C

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