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Crl.OP(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Dated: 16/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

**Crl.OP(MD)No.12439 of 2022**

Sureshraj @ Suresh

: Petitioner/Accused 2

Vs.

State rep. By  
The Inspector of Police,  
Boothapandy Police Station,  
Kanyakumari District.  
(Crime No.318 of 2021)

: Respondent/Complainant

For Petitioner

: Mr.S.Pandiyarajan,  
Advocate.

For Respondent

: Mr.T.Senthil Kumar  
Additional Public Prosecutor

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

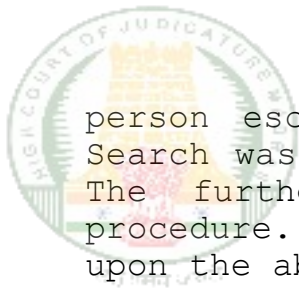
PRAYER :-For Bail in Crime No.318 of 2021 on the file of the Respondent Police.

**ORDER** : The Court made the following order :-

The petitioner, who is arrayed as A2 was arrested, on 08/01/2021 and remanded to judicial custody for the alleged offences punishable under section 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985, in Crime No.318 of 2021, seeks bail.

2.The case of the prosecution is that the de-facto complainant along with the police team on the secrete information furnished by the police informer, they visited Ganaiyapuram South Street at about 33.30 pm on 15/07/2021 they spotted a two wheeler bearing registration No.TN-75-M-4298. They were identified by the police informer. They were apprehended and two persons have escaped from the place of occurrence. One person was apprehended and on enquiry, he disclosed his name as Devadass and he informed the name of the

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



person escaped as Marbin, who is the son of Gnam and 1. Search was made and he was found in possession of 21 kgs of ganja. The further process of samplings was undertaken as per the procedure. He was arrested and remanded to judicial custody. Based upon the above said occurrence, the case was registered.

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3. Seeking bail, this petitioner, who is arrayed as A2 filed this petition.

4. Heard both sides.

5. The ground on which this petition came to be filed is that except the confession statement of the co-accused, no other material has been collected or available against the petitioner to connect with this offence.

6. Per contra, it is the contention on the part of the respondent that he was also found in the place of occurrence along with the co-accused. According to the learned Additional Public Prosecutor, section 37 of NDPS Act must be complied. When he moved bail before the Sessions Judge, it was dismissed on the ground that the petitioner is also involved in three previous cases, which are similar in nature.

7. The petitioner is not in a position to convince the court as to how he is entitled for bail. He is habitually dealing with the narcotics. Except stating that he is in custody for more than a year, no other ground worth considering or satisfying the requirement of section 37 of the NDPS Act has been made out. The petitioner is a habitual offender is not entitled for bail.

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

sd/-

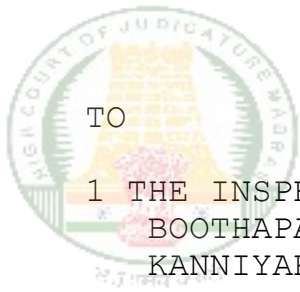
16/08/2022

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/09/2022

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

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  
BOOTHAPANDY POLICE STATION,  
KANNIYAKUMARI DISTRICT.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12439 of 2022

Date :16/08/2022

MK/VR/SAR.I/20.09.2022/3P/4C