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

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) . Nos.496 and 500 of 2023

Manikandan ... Petitioner/Accused No.1
in Cr1.O.P (MD) No.496/2023

1.Sivanandhi

2.Venkatesan ...Petitioners/Accused Nos. 6&7
in Cr1.O.P (MD) No.500/2023

Vs

The State rep.by,
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.282/2022..

... Respondent/Complainant
in both cases

(IN BOTH CASES)

For Petitioner : M/s.Senthilkumar A,
Advocate.

For Respondent : T.Senthil Kumar,
Additional Public Prosecutor

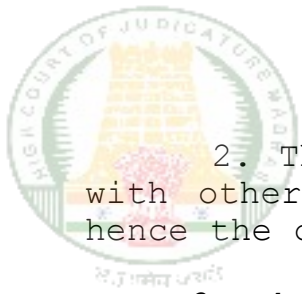
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.282/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A1, A6 & A7 who were arrested on 16.11.2022 and 17.11.2023 respectively, for the offences under sections 8(c) r/w.20(b)(ii)(C) of NDPS Act, seek bail.



2. The case of the prosecution is that the petitioners along with others were found in illegal possession of 136kgs of ganja, hence the case.

3. The learned counsel for the petitioner would submit that the petitioners are falsely implicated in this case and they are innocents. He would further submit that the petitioners are in jail from 16.11.2022 and 17.11.2023 respectively. He would further submit that the petitioner/A1 was detained illegally by the respondent police on 15.11.2022. Therefore, the mother of A1 filed a petition before the Judicial Magistrate, Thiruvadanai and on the basis of the confession given by A1, A6 and A7 were implicated in this case, hence he seek bail.

4. The learned Additional Public Prosecutor would submit that the petitioners along with others were found in possession of 136 kgs of ganja and on seeing the respondent police, all the accused persons flew away from the scene of occurrence. He further submitted that the quantity involved is a commercial quantity and there is a bar under Section 37 of NDPS Act and does they are not entitled for bail and prayed for dismissal of the petition.

5. It is seen that totally there are eleven accused in this case and the petitioner herein is arrayed as A1. Even according to the case of the prosecution all the accused persons were found in possession of ganja weighing 136kgs which falls under the category of commercial quantity. Further as per Section 37 of the NDPS Act, if the petitioners fail to satisfy the twin test as contemplated under the Act the petitioners are not entitled for bail . Hence this Court is not inclined to grant bail to the petitioners.

6. In the result, these petitions stand dismissed.

sd/-

15/03/2023

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/03/2023

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

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TO

1. THE OFFICER IN CHARGE,
DISTRICT PRISON,
PUDUKKOTTAI.

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



2 THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

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ORDER
IN
CRL OP (MD) . Nos.496 and
500 of 2023
Date :15/03/2023

RK/CG/SAR-2 (23/03/2023) 4P/4C