



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

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.1910 of 2023

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Sanjay Prabhu

... Petitioner / Accused No.2

Vs

State rep by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.94 of 2022.)

... Respondent / Complainant

For Petitioner : M/s.Alagusundar.S, Advocate.

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

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

PRAYER :-

C-32B. For Bail in CC No.332 of 2022 on the file of the I Additional Special Court for Trial of NDPC Act Cases, Madurai in Crime No.94 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 16.02.2022 in connection with Crime No.94 of 2022 for the alleged offence punishable under Section 8(c) 20(b)(ii) (c) of NDPS Act, 1985, seeks bail.

2. The case of the prosecution is that on 16.02.2022, the respondent received secret information from the informer that the petitioner along with other accused said to have sold Ganja near the agriculture field belonging to Kothai Amman Temple. Upon information, the respondent caught hold of the accused persons and seized white colour gunny bag which contains 81 kg of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he had committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation has been



completed and charge sheet has been laid.

5. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

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6. On perusal of the counter-affidavit filed by the respondent revealed that the petitioner has so far been involved in three other cases and his two other bail applications were dismissed by this Court. All the accused persons were in joint possession of contraband weighing 21 kgs of ganja, which is a commercial quantity. In the light of Section 37 of the NDPS Act, if the petitioner fails to satisfy the twin test as contemplated under Section 37 of the NDPS Act, the petitioner is not entitled to bail. That apart the petitioner is also having three previous cases. Hence, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
08/03/2023

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/03/2023

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

PS

To

1. The Judge,
I Additional Special Court for Trial of Narcotic Drugs and
Psychotropic Substances Act Cases,
Madurai.

2. The Inspector of Police,
Kottai Police Station,
Kanyakumari District.

3. The Superintendent,
Central Prison, Tirunelveli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1910 of 2023
Date : 08/03/2023