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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2023

PRESENT

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

CRL OP(MD). Nos.4224 and 5968 of 2023

Prakash,

... Petitioner/Accused No.1
in Crl.O.P(MD) No.4224 of 2023

Raju Ram @ Rajesh,

... Petitioner/Accused No.2
in Crl.O.P(MD) No.5968 of 2023

Vs

State Rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Cr.No.535/2022.

... Respondent/Complainant
in both petitions

(In Crl.O.P(MD) No.4224 of 2023)

For Petitioner : M/s.Boominathan, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

(In Crl.O.P(MD) No.5968 of 2023)

For Petitioner : M/s.Dhilipan Pandian R.L., Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

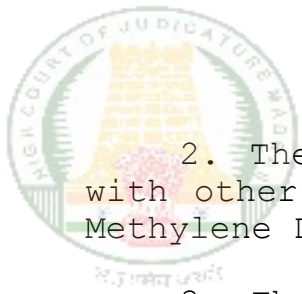
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No. 535/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners /A1 and A2 were arrested and remanded to judicial custody on 02.12.2022 and 03.12.2022 for the offences under sections 8(c) r/w.21(c) and 22(c) of NDPS Act in Crime No.535 of 2022 on the file of the respondent police seek bail.



2. The case of the prosecution is that the petitioners along with other accused were found in illegal possession of 310grams of Methylene Dioxy Methamphetamine (MDMA), hence the case.

3. The learned counsel for the petitioners would submit that the petitioner in Crl.O.P(MD)No.4224 of 2023 is arrayed as A1 and the petitioner in Crl.O.P(MD) No.5968 of 2023 is arrayed as A2. He would further submit that A2 is having a medical shop at Bangalore and he is a resident of Rajasthan and he has nothing to do with the alleged offence. Even according to the case of prosecution the petitioner in Crl.O.P(MD) No.5968 of 2023 was found in possession of two grams of Methylene Dioxy Methamphetamine in two pockets, totally four grams, which is not a commercial quantity, hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that A1 and A2 were in conscious possession of contraband. On confession of A1 the remaining accused were arrested and further the shop belongs to A1. There are totally two accused in this case and the respondent police are suspecting one more accused.

5. It is seen that the accused persons are selling Methylene Dioxy Methamphetamine (MDMA), which is a commercial quantity. In the light of Section 37 of the NDPS Act, if the petitioners fail to satisfy the twin test as contemplated under Section 37 of the NDPS Act, the petitioners are not entitled for bail.

6. In the result, these petitions stand dismissed.

sd/-

03/04/2023

/ TRUE COPY /

/04/2023

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

AAV

TO

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

2 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4224 & 5968 of 2023

Date : 03/04/2023