



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2023

PRESENT

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

CRL OP(MD)No.3847 of 2023

E.Kumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Perayurani,
Thanjavur District.
Cr. No. 537 of 2022.

... Respondent/Complainant

For Petitioner : MR.M.JAGADEESH PANDIAN, Advocate
for M/s.MANIMARAN.NA., 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. 537 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 28.08.2022 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(i) of NDPS Act in Crime No. 537 of 2022 on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 24.08.2022, based on secret information, the respondent Police, conducted a vehicle check-up on Perayurani to Arandhangi Main Road, at that time, two Ashok Leyland vehicle came, which was stopped by the respondent police and searched the vehicle and found 8 white colour gunny bags each containing 20 kgs of Ganja and one white colour gunny bag containing 20 kgs of Ganja and totally 416 kgs contraband was found in the bag and the same was seized by the respondent Police. Based on the confession statement of the accused, a case has been registered as against the petitioner and other accused. Hence, the case.



3. The learned counsel appearing for the petitioner submit that except the confession statement of the accused, no other material was seized from the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is arraigned as A.2, who is a Financier, and he is the master brain behind the entire crime and opposed for granting bail to the petitioner.

5. Heard. Perused the materials available on record, including the First Information Report.

6. It is seen that during the investigation it was found that there were call details to connect the petitioner and accused Nos.1, 5 and 6. He had spoken to A.1 nearly 38 times. A.1 called A.2/the petitioner herein, on 29 occasions. Therefore, the confession statement of A.1, A.5 and A.6 clearly correlate with the call details. Therefore, the petitioner along with the other accused was in joint possession of contraband weighing 458 kgs of contraband. Now, the respondent filed a final report and charge-sheeted. Therefore, the petitioner failed to make out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-

14/03/2023

/ TRUE COPY /

/03/2023

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

PS

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKOTTAI.

2 THE INSPECTOR OF POLICE
PERAYURANI, THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3847 of 2023

Date :14/03/2023

RS/SBN/SAR-4 (20.03.2023) 2P 4C

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