



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

Date : 16/03/2023

PRESENT

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

CRL OP(MD). No.5075 of 2023

1. Sadham Usain

2. Manickraj ... Petitioners / Accused No.3 & 5

Vs

The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District.
(Crime No.1033/2022).

... Respondent / Complainant

For Petitioner : M/s.Siva L, Advocate.

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

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

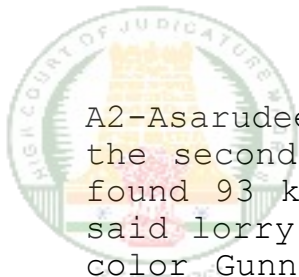
PRAYER :-

For Bail in Crime No.1033/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A5, who were arrested and remanded to judicial custody on 25.08.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985 in Crime No.1033 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 24.08.2022, at about 19.30 hours, the respondent police went to their regular raid at Weigh Bridge near Thanjavur Old Railway quarters. The respondent police saw a vehicle parked in a suspicious manner, lorry bearing Regis No TN 52 F 3256 which is closed with Tarpaulin at that time one person tried to transfer one bag from the said lorry and two person were standing along with him near the said lorry and another lorry also parked nearby that bearing Registration No. TN-58-PW-5308, two more persons also standing nearby this lorry. On seeing the respondent police all the five accused were tried to escape but the respondent Police apprehended five accused namely Al-Ashif Raja,



A2-Asarudeen, the first petitioner/A3-Sadham Usain, A4-Sa and the second petitioner/A5-Manickraj. On search the respondent police found 93 kg of Ganja in three white color Gunny bag from the above said lorry no TN 58 PW 5308 and also found 35 kg of Ganja in a white color Gunny bag from the above said lorry No. TN-52-F-3256. During enquiry, it reveals that the entire contraband was purchased by Accused No.6 namely Chadran from Accused No.7 namely Jeayaraj from Andra Pradesh. The said contraband was transported by the above said vehicle No.TN-58-PW-5308, with an intention to sell in local area. Further the investigation reveals that all the accused actively involved in drug trafficking. After completing the procedures as contemplated under NDPS Act, the Respondent Police seized the entire contraband of 128 Kg of Ganja from the accused Persons (A1 to A5) and arrested them along with two Vehicles.

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

4.This Court had already dismissed the first petitioner's bail application in Crl.O.P(MD)No.3573 of 2023, dated 09.03.2023.

5.On perusal of the records reveals that there are 7 accused involved in this case and the petitioners are arrayed as A3 and A5. A1 to A5 were jointly and consciously in possession of 128kgs of Ganja, which is a commercial quantity. That apart, the petitioners are failed to fulfil the twin conditions as contemplated under Section 37 of the NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioners.

6.Hence, this petition is dismissed.

sd/-
16/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District.

2.The Officer Incharge,
Sub Jail,
Thanjavur.



CRL OP(MD).



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

ORDER

IN

CRL OP(MD) No.5075 of 2023

Date :16/03/2023

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