



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2023

WEB COPY

PRESENT

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

CRL OP (MD) . Nos.5529 and 5530 of 2023

Jeyapandi

... Petitioner/Accused No.1
in Crl.O.P.(MD)No.5529 of 2023

Sankar Vaali

... Petitioner/Accused No.2
in Crl.O.P.(MD)No.5530 of 2023

Vs

State Rep.by
The Sub Inspector of Police,
Madurai Railway Police Station,
GRP, Trichy District.
Crime No.92/2022.

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Karunanithi M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

COMMON PRAYER :-

For Bail in Crime No.92/2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2 who were arrested and remanded to judicial custody on 23.06.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act in Crime No.92 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 62kgs of Ganja. Hence, the case.



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

4. There are two accused involved in this case. The petitioners are arrayed as A1 and A2 and they were in conscious possession of contraband weighing 62kgs of Ganja. The only ground raised by the petitioners is that the seizure mahazer contains the crime number. Even according to the prosecution, it was preferred before the registration of FIR. Therefore, it is a false and put up case as against the petitioners. The ground raised by the petitioners can be quashed only before the trial Court during the trial. The prosecution had shown *prima facie* case that the petitioners were in possession of contraband weighing 62kgs of Ganja. Therefore, it is a commercial quantity and the petitioners have also failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. That apart, the petitioners' earlier applications for bail were dismissed as withdrawn by this Court in Crl.O.P(MD) Nos.890 and 899 of 2023 on 13.02.2023 and there is no change in circumstances of the case to consider the present bail petitions even after dismissal of these petitions, hence this court is not inclined to grant bail to the petitioners.

5. Accordingly, these petitions stand dismissed.

sd/-

24/03/2023

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/04/2023

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

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TO

1 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

2 THE SUB INSPECTOR OF POLICE, MADURAI RAILWAY POLICE STATION,
GRP, TRICHY DISTRICT.

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

ORDER IN

CRL OP (MD).Nos.5529 & 5530 of 2023

Date :24/03/2023

RS/BUC/SAR-1(10.04.2023) 2P 4C