



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/03/2023
PRESENT

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

CRL OP(MD) . No.5670 of 2023

Dhanasekar

... Petitioner/Accused 2

Vs

Union of India Through
The Intelligence Officer,
Directorate of Revenue Intelligence,
Madurai Sub-Regional Unit,
No.13/14, Saraswathi Nathi Street,
Mahatma Gandhi Nagar Main Road,
Madurai - 625014.

... Respondent/Complainant

For Petitioner : M/s.Mohan Raj C,
Advocate.

For Respondent : Mr.C.Arulvadivel @ Sekar,
Special Public Prosecutor

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

PRAYER :- For Bail in Crime No.F.No.DRI/CZU/MDU/VIII/48/ENQ-01/INT-03/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 12.12.2022 for the offence punishable under Sections 8(c) and 21 r/w 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 in F.No.DRI/CZU/MDU/VIII/48/ENQ-01/INT-03/2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 11.12.2022, the respondent had received a secret information from the informer and went to the place of occurrence and intercepted the petitioner and A1, while travelling in a car viz., Maruthi Suzuki S-Presso (Red Colour) bearing Reg. No.TN-18-BH-2550 and apprehended them. Further it was alleged that from the car, the respondent had seized 38kgs of Methamphetamine and 50kgs of Hashish. Based on the confession statement only the petitioner was implicated alleging that he was an acting driver and went to Madurai with A1, while opening the car back door he found 5 to 6 bags, there he doubts and questioned that whether it was an Narcotic Drug and argued with A1. It was further alleged that A1 had convinced the petitioner stated that he will pay



more money and the petitioner also in order to get his statement revealed the same to the Law Enforcement Agencies. Hence, the case.

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

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4. The learned counsel for the petitioner would submit that the petitioner is innocent and he was acted as a driver on the date of occurrence and a false case has been foisted as against the petitioner and he is no way connected with the contraband. The petitioner was arrested and remanded to judicial custody on 12.12.2022. That apart, he is having health issues and taking treatment for Anus Fissures and bloating issues and he was recommended to take treatment in the hospital.

5. It is seen from the records that the petitioner along with another accused persons were in conscious possession of 38kgs of Methamphetamine and 50kgs of Hashish, which is a commercial quantity. However, the petitioner has also failed to satisfy the twin condition as contemplated under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

6. Hence, this petition stands dismissed.

sd/-

28/03/2023

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/03/2023

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

SJI

TO

1 THE INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE,
MADURAI SUB-REGIONAL UNIT,
NO.13/14, SARASWATHI NATHI STREET,
MAHATMA GANDHI NAGAR MAIN ROAD, MADURAI - 625014.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI DISTRICT.

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

+1 cc to Mr.C.MOHAN RAJ, Advocate, SR.No.4996

ORDER IN

CRL OP(MD) No.5670 of 2023

Date :28/03/2023

SA/CG/SAR.2/17.04.2023/2P/5C

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