



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2023

WEB COPY

PRESENT

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

CRL OP(MD). Nos.5755 and 5756 of 2023

Anbalagan,

... Petitioner/Accused No.1
in Cr1.O.P.(MD)No.5755 of 2023

Bavaniraj,

... Petitioner/Accused No.3
in Cr1.O.P.(MD)No.5756 of 2023

Vs

State Rep.by
The Inspector of Police,
Nib-Cid Police Station,
Madurai.
(Crime No.11/2022)

... Respondent/Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Saravanan P, 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.11 of 2022 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 & A3 who were arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.11 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners along with the other accused were found in illegal possession of 160kgs of Ganja. In this case, the case.



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

4.The learned counsel for the petitioners would submit that the respondent police has failed to follow the mandatory provisions under Sections 42, 50, 55 and 57 of NDPS Act. That apart, now the respondent police has completed the investigation and filed final report and the same has been taken cognizance in C.C.No.49 of 2023 on the file of the NDPS Court, Madurai. Therefore, he sought for bail.

5.On perusal of the records reveals that there are eight accused involved in this case and the petitioners are arrayed as A1 and A3. All the accused were in conscious possession of 160kgs of Ganja, which is a commercial quantity. That apart, the grounds raised by the petitioners can be considered only before the trial Court during the trial.

6.Considering the above facts and circumstances of the case and also the fact that the petitioners have failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act, this court is not inclined to grant bail to the petitioners.

7.Accordingly, these petitions are dismissed.

sd/-

28/03/2023

/ TRUE COPY /

/04/2023

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

SJI
TO

- 1 THE INSPECTOR OF POLICE
NIB-CID POLICE STATION, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) Nos.5755 & 5756 of 2023

Date :28/03/2023

PKP/BUC/SAR-1/10.04.2023/ **2P/4C**

<https://www.mhc.tn.gov.in/judis>