



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/04/2023
PRESENT

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

CRL OP(MD) . No.6894 of 2023

Moovendran

... Petitioner/Accused 1

Vs.,

The State rep., by
The Inspector of Police,
NIB CID,
Trichy.
(Crime No.20/2021).

... Respondent/Complainant

For Petitioner : M/s.A.DEVAKI
For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- Pleased to enlarge the Petitioner/Accused on Bail in CC.No.28 of 2022 pending trial on the file of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC Act Cases, Pudukkottai.

ORDER : The Court made the following order :-

The petitioners/A1, who was arrested and remanded to judicial custody on 21.09.2021 for the offence punishable under Sections 8(c), 20(b)(ii)(C) and 25 of NDPS Act 1985 in Crime No.20 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.09.2021 at about 17.15 hours, based on the secret information, the respondent police mounted on surveillance at Samayapuram area. At that time, the respondent police saw Eicher Lorry bearing registration No.TN 72 A 2567 was standing in a suspicious manner near the public lavatory at weekly vegetable market. When the respondent police tried to enquire the persons in the cabin of the lorry, the accused persons tried to escape from the scene of occurrence. But, the respondent police surrounded and apprehended the accused persons namely Moovendran/petitioner/A1 and Prabhu/A2. On search, it was found that 6 white color fertilizer gunny bags in the above said lorry, which contains each 22 kgs of Ganja, totally 132 of Ganja. After completing the formalities contemplated under NDPS At, the respondent police arrested A1 & A2 and recovered the contraband of 132kgs of Ganja and seized the vehicle. Hence, the case.



3. Heard the learned counsel on either side and peruse the entire materials available on record including the First Information Report.

4. It is seen that the petitioner had already filed a petition for bail in Crl.O.P(MD).No.6303 of 2022 and the same was dismissed by this Court on 12.08.2022. By suppressing the fact, the petitioner filed this petition seeking bail. That apart, the petitioner along with other accused persons were in conscious and constructive possession of contraband weighing 132kgs of Ganja, which is the commercial quantity. The petitioner failed to make out a *prima facie* case to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner and the custodial interrogation of the petitioner is very much required. Accordingly, the Criminal Original Petition is dismissed.

sd/-

17/04/2023

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/04/2023

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

RMK

TO

- 1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
SPECIAL COURT FOR EC ACT CASES, PUDUKKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE,
NIB CID, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6894 of 2023
Date :17/04/2023

SA/MMS/SAR.2/26.04.2023/2P/5C