



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 03/04/2023  
PRESENT

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

CRL OP(MD) . No.6226 of 2023

Alex Pandiyan,

... Petitioner/Accused 4

**Vs**

The State rep.by  
The Inspector of Police,  
Naagapatinam Town Police Station,  
Naagapatinam District.  
Cr.No.36/2022.

... Respondent/Complainant

For Petitioner : M/s.Vimala P,  
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,  
Additional Public Prosecutor

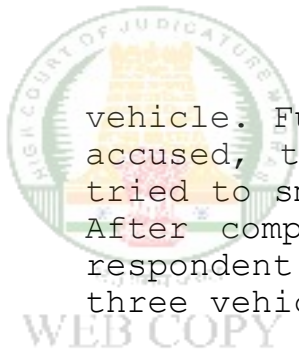
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

**PRAYER :-** For Bail in Crime No. 36/2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 01.02.2022 for the offences punishable under Sections 8 (c), 20(b)(ii)(c), 25 and 29(1) of NDPS Act, 1985 in Crime No.36 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.02.2022 at about 06.30hrs, based on the secret information, the respondent police was conducting vehicle checkup near Putthur Anna Statue in Nagapattinam Town, three vehicles, namely, a car bearing Reg.No.PY-01-CR-8157, one Ashok Leyland Van bearing Reg.No.TN-03-AB-8974 and another car bearing Reg.No.TN-12-J-1701 were coming towards east from the Putthur Roundana and the respondent police intercepted the above three vehicles and on enquiry, they came to know that the first vehicle bearing Reg.No.PY-01-CR-8157 was driven by A1-Chandrasekaran along with A3-Manivasagam, the second vehicle Ashok Leyland Van bearing Reg.No.TN-03-AB-8974 was driven by A5-Umapathi along with A6-Singaravelu and the third vehicle bearing Reg.No.TN-12-J-1701 was driven by A2-Srirengashwaran along with the petitioner/A4. On search, the respondent police found 9 gunny bags (each 50kgs of Ganja) in the said Ashok Leyland vehicle, which contains 450kgs of Ganja. Further, the investigation reveals that two cars involved in the said crime were used as escort for the contraband loaded



vehicle. Further, on enquiry, the information furnished by the accused, the respondent police came to know that the accused were tried to smuggle the contraband to Srilanka through A6's fiber boat. After completing the procedures complied under the NDPS Act, the respondent police arrested all the accused 1 to 6 and seized the three vehicles and a fiber boat. Hence, the case.

3. The learned counsel for the petitioner would submit that though the prosecution alleged that the petitioner was present in the scene of occurrence and was in possession of 450kgs of ganja the presence of the petitioner in the scene of occurrence is disputed and the prosecution failed to prove the same.

4. Heard both sides and perused the materials available on record including the First Information Report.

5. It is a case of commercial quantity. Now the petitioner disputed his presence in the scene of occurrence, which can be considered only during the trial and during the examination and cross examination of witnesses. In fact this Court had already dismissed the application filed by the petitioner by an order dated 06.02.2023 and this Court finds no change in circumstances of the case to consider the present petition.

6. Hence the petition stands dismissed.

sd/-

03/04/2023

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/04/2023

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

AAV

TO

1 THE OFFICER INCHARGE, DISTRICT PRISON, NAGAPATTINAM.

2 THE INSPECTOR OF POLICE,  
NAAGAPATINAM TOWN POLICE STATION, NAAGAPATINAM DISTRICT.

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

**ORDER IN**

CRL OP(MD) No.6226 of 2023

Date :03/04/2023

SA/CG/SAR.2/11.04.2023/2P/4C