



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/04/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.6185 of 2023

Chidambaram,

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Cr.No.537/2022.

... Respondent/Complainant

For Petitioner : Mr.M.Murugan, Advocate,
M/s.Spicy Law Firm.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 537/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(c), 25 and 29(i) of NDPS Act in Crime No.537 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.08.2022, based on secret information, the respondent police, conducted a vehicle check up on peravurani to Arandhangi Main Road, at that time, two Ashok Leyland vehicle came, which was stopped by the respondent police and searched the vehicle and found 8 white colour gunny bags each containing 20kgs of Ganja and one white colour gunny bag containing 20kgs of Ganja and totally 416kgs contraband was found in the bag and the same was seized by the respondent police. Based on the confession statement of the accused, a case has been registered as

<https://www.mca.gov.in/judicial>



3.The learned counsel appearing for the petitioner would submit that except the confession statement of the accused, no other material was seized from the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused were found in illegal possession of 416kgs of Ganja and thereby, he opposed to grant bail to the petitioner.

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

6.It is seen that during the investigation it was found that there were call details to connect the petitioner and A1 to A5 and A6. He had spoken to A1 nearly 38 times. A1 called A2 on 29 occasions. Therefore, the confession statement of A1, the petitioner and A6 clearly correlate with the call details. Therefore, the petitioner along with the other accused was in joint possession of contraband weighing 458kgs of contraband. Now the respondent police filed a final report and charge sheeted. Therefore, the petitioner failed to make out a prima facie case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

12/04/2023

/ 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
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6185 of 2023

Date :12/04/2023

PKP/SSS/SAR-1/24.04.2023/ **2P/4C**