



below commercial quantity. In fact, A1 was granted bail in (MD)No.11888 of 2022 on the ground that contraband was below commercial quantity. He would further submit that even according to the case of the prosecution, when the accused persons stood in front of house of the petitioner herein, they were found in possession of contraband, whereas in final report, they stated that contraband was seized from the house of A1. Therefore, he prayed for bail.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having 11 previous cases and vehemently opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available in the record.

6.It is seen that the petitioner and A2 were found in possession of 22 kgs of ganja. Though the contraband was seized separately, the petitioner and A2 were jointly found in constructive and conscious possession of contraband. In fact, another accused escaped from the scene of occurrence, after seeing the police party. That apart, the petitioner is having 11 previous cases and all the cases arising out of NDPS cases and for one case, the petitioner was convicted and sentenced by the trial Court. The petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

10/04/2023

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/05/2023

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

gns

TO

- 1 THE INSPECTOR OF POLICE, NAGAMALAI PUDUKOTTAI POLICE STATION,
NAGAMALAI PUDUKOTTAI, MADURAI DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON (WOMEN), MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.6384 of 2023

Date :10/04/2023