



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.6434 of 2023

WEB COPY

Pandiselvam

...Petitioner / Petitioner /
Accused No.5

Vs

The Inspector of Police,
Dindigul Town West Police Station,
Dindigul.
(Crime No.568 of 2022)

... Respondent / Respondent /
Complainant

For Petitioner : Mr.A.Vadivel, Advocate

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.568 of 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 02.01.2023 for the offence under sections 8(c) r/w 20(b) (ii)(c) and 25 of NDPS Act, in Crime No.568 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.12.2022 at 17.00 hours, based on the secret information received by the Sub-Inspector of Police, the respondent police conducted raid near the house of accused Sureshkumar at Puliyamarathu Street, Dindigul to Maruthanikulam. While so, the co-accused standing near the two wheeler namely Yamaha Fascino, on seeking the police party, the petitioner/accused and co-accused attempted to escape, the respondent police nabbed the petitioner/accused and co-accused. While so, there they found the petitioner/accused and co-accused to be in joint possession of 37 kgs of Ganja. The said contraband was seized by the respondent police and sample has also been taken. Hence, the complaint.

<https://www.mhc.tn.gov.in> The learned counsel appearing for the petitioner submitted



that the petitioner was not in possession of any contraband as alleged by the prosecution. Even according to the prosecution, five accused persons were standing in the near Motor bike and it would not mean that they were found in possession of contraband. That apart, the respondent failed to follow the mandatory provisions as contemplated under the NDPS Act. The petitioner was arrested and remanded to judicial custody on 31.12.2022, Hence, he sought for bail.

4. On perusal of the counter and submissions made by the Public Prosecutor, it revealed that there are totally 9 accused and the petitioner is arrayed as A5. A1 to A6 were talking together. After seeking police, A1 fled away from the scene of occurrence. A2 to A6 were found in possession of 21 kgs of contraband and they were arrested and remanded to judicial custody. On their confession statement, A7 to A9 were implicated as an accused and they were found in possession of 16 kgs of contraband. Therefore, all the accused persons were in possession of 37 kgs of contraband and it is the commercial quantity. The petitioner has also failed to make out *prima facie* case in order to satisfy the twin condition as contemplated under Section 37 of the NDPS Act. Accordingly, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
06/04/2023

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/04/2023

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

RMK

To

1. The Inspector of Police,
Dindigul Town West Police Station,
Dindigul.

2. The Superintendent,
Central Prison, Dindigul.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.6434 of 2023
Date : 06/04/2023