



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

Date : 10/04/2023

PRESENT

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

CRL OP(MD) . No.6445 of 2023

Chellaveer

... Petitioner / Accused No.3

Vs

State rep by
The Inspector of Police,
Sellur Police Station,
Madurai City.

... Respondent / Complainant

For Petitioner : M/s.Poornachandran.S, 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. 755/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 17.08.2022 for the offences under Section 8(c) read with Section 20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.755 of 2022 on the file of the respondent, seeks bail.

2. The case of the prosecution is that based on the secret information, the police party went to the Vaigai Vadakarai Service Road, Kumaran Road Junction. The informer identified some persons with gunny bags. On seeing the police personnel, four persons tried to escape from the place through Auto bearing Registration No.TN-64-A-5071, and they have been nabbed by the respondent. On enquiry, it was found that the gunny bags totally containing 23.500 kgs of Ganja and Rs.30,000/-. The first accused voluntarily gave confession to the respondent. Recording the confession statement, the respondent police registered the F.I.R in Crime No.755 of 2022. Hence, the



3. The learned counsel appearing for the petitioner would submit that, even according to the prosecution, no contraband has been recovered from the petitioner, since he happens to be the relative of the first accused.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was present at the scene of the occurrence, and he was arrested along with contraband. He would further submit that investigation has been completed and charge-sheet filed, and the same has been taken on file in C.C.No.82 of 2023 on the file of the NDPS Court, Madurai and opposed for granting bail to the petitioner.

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

6. It is seen that there are totally four accused, in which the petitioner is arraigned as Accused No.3. All the four accused persons were found in possession of 23.500 kgs of Ganja, which is a commercial quantity. That apart, the petitioner failed to fulfil 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, the Criminal Original Petition is dismissed.

sd/-
10/04/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

To

1.The Inspector of Police,
Sellur Police Station, Madurai.

2.The Superintendent,
Central Prison, Madurai.

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

ORDER
IN
CRL OP(MD) No.6445 of 2023
Date :10/04/2023