



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

Date : 24/04/2023

PRESENT

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

CRL OP(MD) . No.7578 of 2023

Vinoth @ Vinothpandian

... Petitioner/Accused No.4

Vs

State rep. by
The Inspector of Police,
K.Pudur Police Station,
in Crime No.31/2022.
Madurai City.

... Respondent/Complainant

For Petitioner : M/s.Mr.Subash Babu
Senior Counsel
Mr.M.Chandra Bose,
Advocate.

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

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

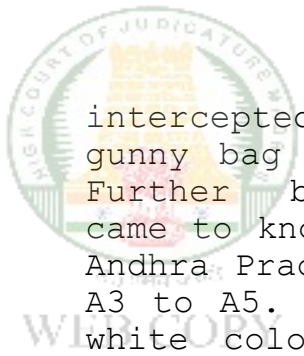
PRAYER :-

To enlarge the petitioner on bail in
C.C.No.53/2023 on the file of the Principal EC and NDPS
Court, Madurai and thus render justice.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing trial for the offences
punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act,
1985 in C.C.No.53 of 2023 on the file of the learned Principal EC &
NDPS Court, Madurai, in Crime No.31 of 2022 on the file of the
respondent police, seeks bail.

2.The case of the prosecution is that on 21.01.2022 at about
18.30 hrs based on the secret information received by the Sub
Inspector of Police, he along with the police party went near
V.Grand Hotel, Surveyor Colony, K.Pudur, Madurai Town and at that
time they saw a grey colour Nissan car bearing Reg.No. TN 19 S 8580
coming from east to western side driven by A1/Rajkumar. It was



intercepted and on search the respondent police found a white gunny bag in the back side of the car containing 8kgs of kanja. Further based on the information furnished by A1 the respondent came to know that A2 namely Jeyakumar usually purchased Kanja from Andhra Pradesh and they tried to sell it in local area along with A3 to A5. Further on investigation the respondent police found two white colour gunny bags in A1's rented house in T.M.Nagar 4th street, Uthangudi each containing 19kgs of kanja. After completing all the procedures contemplated under the NDPS Act, the respondent police seized the contraband totalling 46kgs of ganja and arrested the accused. During investigation it came to light that all the accused persons actively involved in the drug trafficking, hence the case.

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

4.This is the petitioner's second application for bail and this Court had dismissed the earlier application for bail on 01.03.2023 in Crl.O.P(MD) Nos.21413 and 21903 of 2023 on the specific grounds. The relevant portion of the said order is extracted hereunder:

".....20.This provision implies that whoever abets, or is party to the criminal conspiracy to commit an offence punishable under this Chapter, whether such offence is committed or not in consequence of such abetment or in pursuance of such criminal conspiracy is punishable with the imprisonment provided for the offence.

21. The allegation against the petitioners is that they abetted the main accused in the crime. The question of abetment and criminal conspiracy cannot be gone into at the time of considering the bail petition. It is too early to consider the question of abetment and criminal conspiracy while considering the bail petition. These aspects have to be considered on the basis of oral and documentary evidence that would be adduced during the trial of the case.

22. Further it is also the case of the prosecution that based on materials available it could be presumed that existence of culpable mental state with regard to the knowledge of crime.

23. Having gone through the materials this Court is of the view that the petitioners have not satisfied the conditions as required under section 37 of the NDPS Act for grant of bail."

5.Considering the above facts and circumstances of the case and also the fact that there is no change in circumstances, since the dismissal of the earlier application, this Court is not inclined to grant bail to the petitioner.



6. Accordingly, the petition stands dismissed.

sd/-
24/04/2023

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

SJI

TO

1. The Superintendent, Central Prison, Madurai.
2. The Inspector of Police,
K.Pudur Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7578 of 2023

Date : 24/04/2023

NA/VS/SAR-3/12.05.2023/3P/4C