



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/04/2023
PRESENT

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

CRL OP(MD) . No.6988 of 2023

R.Manoharan

... Petitioner/Accused 4

Vs.,

State rep., by
The Inspector of Police,
Sellur Police Station,
Sellur, Madurai City.
(Crime No.755/2022).

... Respondent/Complainant

For Petitioner : Mr.Niranjan.S.Kumar, Advocate
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

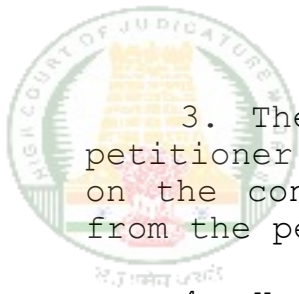
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.755 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 17.08.2022 for the offence punishable under Sections 20(b)(ii)(C), 25 and 29(1) of NDPS Act 1985 in Crime No.755 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.03.2022 at about 12.15 hours, based on the secret information, the respondent police mounted surveillance near Kumaran Salai Junction, Vaigaivadakarai service Road Sellur Madurai. At that time, on seeing the respondent police, the accused persons, who were in the auto bearing Registration No.TN 64 A 507, tried to escape from the scene of occurrence along with gunny bag, which was kept by them. But, the respondent police apprehended them namely, A1 Thangapandi, A2 Mahalakshmi, A3 Chellaveer and A4/petitioner Manoharan. On search, the respondent police found 23.500kgs of Ganja in a gunny bag in the said auto. Further, on enquiry, A1 furnished information that A2, A3 and A4 are close associates and they used to purchase the contraband from other state through an unknown person. Further, they used the above said auto for transporting the contraband. After completing the formalities as contemplated under NDPS Act, the respondent police arrested A1 to A4 and seized the contraband along with vehicle. Hence, the case.



3. The learned counsel for the petitioner submitted the petitioner has been implicated as an accused in this case only based on the confession statement given by A1 and no recovery was made from the petitioner. Hence, he seeks bail.

4. Heard the learned counsel on either side and perused the entire materials available on record including the First Information Report.

5. It is seen that the petitioner along with other accused persons were in conscious and constructive possession of contraband weighing 23.500kgs of Ganja. The petitioner failed to make out the 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, the Criminal Original Petition is dismissed.

sd/-

17/04/2023

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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,
SELLUR POLICE STATION,
SELLUR, MADURAI CITY.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.NIRANJAN.S.KUMAR Advocate SR.No.6006

ORDER

IN

CRL OP(MD) No.6988 of 2023

Date :17/04/2023

SA/SSS/SAR.1/26.04.2023/2P/5C