



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.6539 of 2023

Siva ... Petitioner / Accused No.1

Vs

The State rep by
The Inspector of Police,
Nagapattinam Town Police Station,
(Crime No. 261/2022.) ... Respondent / Complainant

For Petitioner : M/s.Ganesh T.V., Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

C-32B. For Bail in Crime No. 261 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 30.08.2022 for the offence under Sections 8(c), 20(b)(ii)(c) and 29(1) of NDPS Act in Crime No.261 of 2022 on the file of the respondent, seeks bail.

2. The case of the prosecution is that on secret information, the Sub-Inspector of Police on 30.08.2022 proceeded to Uppan River Bed, Akkaraikulam and mounted surveillance and at about 09.00 hours, the petitioner along with other accused came there and on seeing the police party, they tried to escape from there. Thereafter, the respondent Police recovered one gunny bag from them, which containing Ganja weighing 21 kgs. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is nothing to do with the offence as alleged by the respondent Police and he is in judicial custody for more than 210 days.



4. The learned Additional Public Prosecutor appeared for the respondent would submit that the petitioner along with other accused was found in possession of Ganja 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 the petitioner was found in possession of contraband weighing 21 kgs of Ganja along with other accused persons, which is a commercial quantity. That apart, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act and 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

To

1.The Inspector of Police,
Nagapattinam Town Police Station.

2.The Superintendent,
Central Jail, Trichy.

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

+1 CC to M/s.GANESH T.V, Advocate (SR-5723[I] dated 12/04/2023)

ORDER

IN

CRL OP(MD) No.6539 of 2023

Date :10/04/2023

ED/BUC/SAR-2 (13/04/2023) 2P 5C