



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.04.2023

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PRESENT

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

CRL OP(MD) . No.6745 of 2023

Arjunan

... Petitioner/Accused No.8

Vs

State rep., by
The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.224 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar, 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.224 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 30.07.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.224 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the information received, the respondent police along with police party conducted raid on 28.07.2022 at about 14.00 hours, in EB Colony burial ground near Karuvelankadu area, at that time, the accused persons are sitting in suspicious manner with white color fertilizer gunny bag. On seeing the respondent police, all the accused persons tried to escape from the scene of occurrence. But, the respondent police surrounded four accused persons and found in possession of 34 kgs of ganja in the above said gunny bag. After completing all formalities under NDPS Act, they were arrested along with contraband and also seized two wheeler vehicle bearing Registration NO.TN 57 BP



8004 Yezdi and another vehicle bearing registration No.TN 54 Honda Dio. Hence, the complaint.

3. Heard both sides and perused the materials available on record including the First Information Report.

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4. It is seen that though the petitioner has been implicated as an accused based on the confession of co-accused, the respondent seized the contraband from the petitioner weighing 1.100kg of ganja. There are materials to connect the petitioner along with other accused persons. Therefore, all the accused persons were in conscious and constructive possession of contraband weighing 34kgs, which is the commercial quantity. That apart, the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of the NDPS Act in order to satisfy this Court. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/04/2023

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/05/2023

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

rmk

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE,
DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6745 of 2023
Date :20/04/2023

RK/SAR-(25/05/2023) 2P/4C