



WEB COPY

Crl.O.P.(MD)



23

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) . Nos.6608 and 6619 of 2023

1.Kompaiya	... Petitioner / Accused No.7 in Crl.O.P.(MD)No.6608 of 2023
2.Ajith @ Poovarasan	... Petitioner / Accused No.9 in Crl.O.P.(MD)No.6619 of 2023

Vs

State through
The Inspector of Police,
A Mukkulam Police Station,
Virudhunagar District.
(Crime No.19 of 2023.)

... Respondent / Complainant
in both petitions

In both petitions:-

For Petitioner : M/s.Selvakumar S, Advocate.

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

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

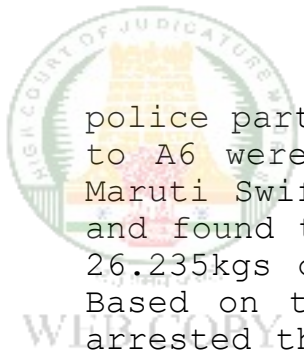
COMMON PRAYER :-

For Bail in Crime No.19 of 2023 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A7 and A9, who were arrested and remanded to judicial custody on 20.02.2023 for the offences punishable under Sections 8(C) r/w 20(b)(ii)(C), 25, 27(A) and 29(1) of NDPS Act in Crime No.19 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on receiving secret information from a confidential source, the respondent police conducted a raid along with his



police party on 17.02.2023 at about 08.00 hours and at that A1 to A6 were sitting inside of the car bearing Reg.No.TN-38-CR-4612 Maruti Swift Desire Car and the respondent police searched the same and found that A1 to A6 were carrying 12 bundles containing totally 26.235kgs of Ganja. Hence, A1 to A6 were arrested on the same day. Based on the confession given by A1 to A6, the respondent police arrested the petitioners and recovered 1.950kgs Ganja and 1.955 kgs of Ganja from them. Hence, the case.

3.The learned counsel for the petitioners would submit that after registration of FIR as against A1 to A6 and based on their confession only, the petitioners have been implicated as accused. Even according to the prosecution, after so many hours from the time of arrest of A1 to A6, the petitioners were found in possession of only 2.050kgs of Ganja. It is an in between quantity. Therefore, Section 37 of the NDPS Act is not all barred to grant bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that there are 11 accused involved in this case, in which, the petitioners are arrayed as A7 and A9. The petitioners were implicated as accused only on the confession statement of A1 to A6. A7 was found in possession of 2.050kgs of Ganja and A9, who is about to purchase the contraband from A1 to A6. All the accused were arrested and remanded to judicial custody. The total contraband weighing 26.235kgs of Ganja was recovered from A1 to A6. Therefore, all the accused persons were in possession of contraband consciously and constructively. Therefore, the offence under Section 29(i) of NDPS Act is clearly attracts as against the petitioners.

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

6.Considering the above facts and circumstances of the cases, this Court is not inclined to grant bail to the petitioners. Hence, these petitions are dismissed.

sd/-
24/04/2023

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/05/2023

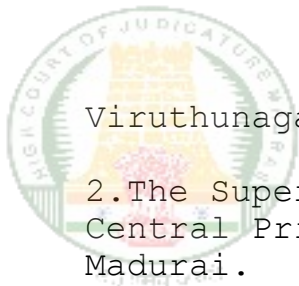
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

To

1.The Inspector of Police,
Ar. M. in. Gov. in. Arts Police Station,

<https://www.mca.gov.in/arts>



Viruthunagar District.

2.The Superintendent,
Central Prison,
Madurai.

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

ORDER
IN
CRL OP (MD) . Nos.6608 and
6619 of 2023
Date :24/04/2023

ED/BUC/SAR-4 (11/05/2023) 3P 4C