



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2023

WEB COPY

PRESENT

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

CRL OP(MD) . 6790 of 2023

Mathankumar

... Petitioner/Accused No.2
Vs.,

State rep., by
The Inspector of Police,
Pudukkottai PEW Police Station,
Pudukkottai District.
(In Crime No.1157 of 2022)

... Respondent/Complainant

For Petitioner : Mr.N.Marivel, 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.1157 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 26.12.2022 for the offences punishable under Sections 8 (c), 20(b)(ii)(c) and 25 of NDPS Act in Crime No.1157 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.12.2022, the respondent police, based on the secret information, conducted an inspection at Pudukkottai Bus Stand, at that time, the accused persons were standing in the bus stop in a suspicious manner and on enquiry, it revealed that they have in possession of 20.750kg of Ganja in their bag. Hence, the complaint.

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



4. There are totally two accused, in which, the petitioner is arrayed as A2. The petitioner along with other accused person were found in possession of contraband weighing 20.750kgs of Ganja. The learned counsel for the petitioner submitted that even according to the prosecution, no independent witness was examined. It is seen that the ground raised by the petitioner can be agitated before the trial Court during trial, since it is the matter for evidence. Admittedly, the petitioner along with other accused person were found in possession of contraband weighing 20.750kgs and it is the commercial quantity, that apart the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of the NDPS Act before this Court. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
17/04/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK

TO

- 1 THE INSPECTOR OF POLICE
PUDUKKOTTAI PEW POLICE STATION,
PUDUKOTTAI DISTRICT
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6790 of 2023
Date :17/04/2023

PKP/MMS/SAR-2/27.04.2023/ **2P/4C**