



WEB COPY

CRL OP(MD).



23

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.6882 of 2023

Ramachandran

... Petitioner/Accused No.2

Vs.

State rep., by
The Inspector of Police,
Ramjee Nagar Police Station,
Trichy District.
(Crime No.40/2023).

... Respondent/Complainant

For Petitioner : Mr.R.Anand, 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.40/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2, who was arrested on 04.03.2023 and subsequently, remanded to judicial custody on 05.03.2023 for the offence punishable under Sections 8(c), 20(b)(ii)(C) and 25 of NDPS Act 1985 in Crime No.40 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.03.2023 at 3.30pm., based on the secret information, the Sub-Inspector of Police after placing the said information to the respondent police and obtaining permission from him, went to the spot, at that time, two wheeler namely Yamaha YVR bearing Registration No.TN 45 BW 3353 came, wherein the petitioner along with A1 have travelled and they were intercepted by the Sub-Inspector of Police team and on enquiry, it revealed that they are in possession of 22kgs of Ganja. Thereafter, confession statement was recorded from A1. Hence, the case.



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

4. The learned counsel for the petitioner submitted that Section 50 of NDPS Act does not comply with. The petitioner was only near person along with A1. Therefore, he is nothing to do with the crime as alleged by the prosecution. The first accused is the habitual offender and he involved so many cases under NDPS Act. Therefore, the petitioner being friend of A1 has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. There are totally three accused, in which, the petitioner is arrayed as A2. The petitioner was also present along with other accused and they were in conscious and constructive possession of contraband weighing 22kgs of Ganja, which is the commercial quantity. That apart, the petitioner failed to make out a *prima facie* case to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner and the custodial interrogation of the petitioner is very much required. 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, RAMJEE NAGAR POLICE STATION,
TRICHY 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.6882 of 2023

Date :17/04/2023

RS/SSS/SAR-4(26.04.2023) 2P 4C