



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18.04.2023
PRESENT

WEB COPY

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

CRL OP(MD)No.7044 of 2023

M.Bhuvanesh @ Bhuvaneshwaran

... Petitioner/Petitioner/
Petitioner/Accused 5

Vs

The State Represented by its
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.303 of 2022)

... Respondent/Respondent/
Respondent/Complainant

For Petitioner : Mr.K.Anbumanikandan, Advocate

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

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

PRAYER :- For Bail in Crime No.303 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 30.11.2022 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 20(b)(ii)(c), and 25 of NDPS Act in Crime No.303 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 1.100 kgs of mushroom which comes under Narcotics substance. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been implicated only based on the confession statement of the co-accused. The petitioner was nothing to do with the alleged occurrence, since no recovery was made from the petitioner. Even according to the case of the prosecution and confession statement, the petitioner was acted only as broker and taken the owner of the case and used to handed over to A1 and A2.



The petitioner was arrested on 30.11.2022 and other two persons are not yet secured till today. Hence, he prayed for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with other accused persons were doing business of selling ganja and mushroom. This illegal business has been done by all the accused and there are materials to connect the petitioner. Hence, he prayed for dismissal of this petition.

5.Heard and perused the materials available in the record.

6.On perusal of records revealed that one Thangam is the owner of the Tata Zest car bearing Registration No.TN 04 AU 8348 and it was maintained by his brother one Alagarsamy. On perusal of statement recorded from Alagarsamy revealed that the above said car was taken by A3, A4 and A5, who is the petitioner herein. Along with A1 and A2, they used the car for selling of ganja. Based on the confession statement of the co-accused the petitioner was implicated as an accused and he is named accused in FIR. Therefore, all the accused were in constructive and conscious possession of ganja. The petitioner failed to satisfy the twin condition as contemplated under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

18/04/2023

/ TRUE COPY /

/05/2023

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

GNS

TO

- 1 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, DINIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.7044 of 2023
Date :18/04/2023

SA/VR/SAR.2/29.05.2023/2P/4C

<https://www.mhc.tn.gov.in/judis>