



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18.04.2023

PRESENT

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

CRL OP(MD)No.7146 of 2023

Alhad

... Petitioner/Accused No.3

Vs

The State Rep by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.54 of 2023)

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh
Advocate

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

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

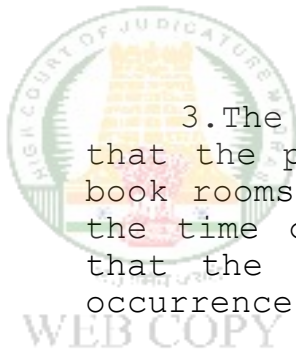
PRAYER :-

For Bail in Crime No.54 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 12.02.2023 for the offence punishable under Section 8 (c), 20(b)(ii)(B), 22(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.54 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on receiving secret information on 12.02.2023 at 10.00 am., the defacto complainant along with other police officials went for search and at about 10.45 am., near Naidupuram Matha Temple, the petitioner along with other accused persons were trying to escape from the scene of occurrence on seeing the police party and on search, 1.100 kgs of ganja and 100 grams of mushroom were recovered from the first accused. Hence, the



3.The learned counsel appearing for the petitioner would submit that the petitioner was known to A2, who is broker and he used to book rooms for customers. The petitioner was not at all present at the time of alleged arrest. He also produced Google map showing that the petitioner was moving some other place and not in the occurrence place.

4.Per contra, the learned Additional Public Prosecutor would submit that the petitioner was very much present along with A1 and A2 and vehemently opposed to grant anticipatory bail to the petitioner.

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

6.Despite the learned counsel appearing for the petitioner relied on Google map showing directions, it is matter for trial to cross-examined with the Investigating Officer. According to the case of the prosecution, the petitioner also present along with A1 & A2 and they were in constructive and conscious possession of 1.100 kgs of ganja and 100 grams of mushroom, which is commercial quantity. That apart, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act.

7.In view of the above, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

18/04/2023

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/05/2023

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

gns

TO

1.The Superintendent, District Prison, Dindigul.

2.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

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

ORDER IN
CRL OP(MD)No.7146 of 2023
DATE :18.04.2023