



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.04.2023
PRESENT

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

CRL OP(MD)No.8254 of 2023

Kubendran

... Petitioner/Accused 1

Vs.

State rep., by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Cr.No.52 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.SUSIKUMAR, Advocate
M/s.SUBASH LAW OFFICE

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.52 of 2023 on the file of the Respondent Police.

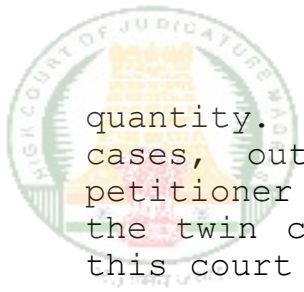
ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 14.01.2023 for the offences under sections 8(c)r/w.20(b) (ii)(c) and 25 of NDPS Act in Crime No.52 of 2023, seeks bail.

2.The case of the prosecution is that based on the information received, the Inspector of Police attached with respondent police along with deputed police officials went near MLM Sudharsana Apartment, TPM Radhanagar, Melakal Main Road, Kochadai at about 05.50 am., and conducted vehicle checkup. At that time, they intercepted a black colour Honda Amaze Car bearing Registration No.TN 63 BE 7139. on seeing the police party, the petitioner and second accused tried to escape from the occurrence place. But, the police officials caught hold them and checked the vehicle, wherein they found 23 kgs of kanga. Hence, the case has been registered.

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

4.It is seen that the petitioner was found in conscious and constructive possession of 23kgs of Ganja, which is the commercial



quantity. That apart, the petitioner already involved 16 is cases, out of which, 5 cases are similar offence. Since the petitioner failed to make out a prima facie case in order to satisfy the twin conditions as contemplated under Section 37 of NDPS Act, this court is not inclined to grant bail to the petitioner.

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5. Accordingly, the Criminal Original Petition is dismissed.

sd/-

28/04/2023

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/05/2023

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

RMK

TO

- 1 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI CITY.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MDAURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER**IN**

CRL OP(MD) No.8254 of 2023

Date :28/04/2023

SA/MMS/SAR.2/17.05.2023/2P/4C