



WEB COPY

in Crl.O.P.(MD)

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2023

PRESENT

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

CRL OP(MD). Nos.8714 and 8608 of 2023

1.Saxsena Sripal Sethna ... Petitioner/A2
in Crl.O.P.(MD)No.8714 of 2023

2.S.Nagapandi ... Petitioner/A5
in Crl.O.P.(MD)No.8608 of 2023

Vs

State Rep.by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.03/2023. ... Respondent/Complainant
in both petitions

For Petitioner (in Crl.O.P.(MD)No.8714 of 2023)
: Mr.R.Alagumani

For Petitioner (in Crl.O.P.(MD)No.8608 of 2023)
: M/s. Manimaran.Na,
Advocate.

For Respondent (in both petitions)
: Mr.T.Senthilkumar,
Additional Public Prosecutor

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

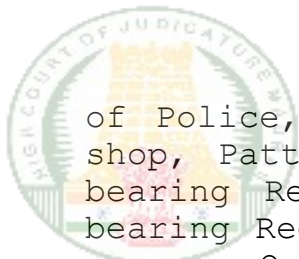
COMMON PRAYER :-

For Bail in Crime No.03 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 and A5, who were arrested and remanded to judicial custody on 03.01.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(i) of NDPS Act, in Crime No.03 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 03.01.2023 at 12.00 hours, the petitioner was arrested on the secret information received by the Sub-Inspector



of Police, the respondent police conducted raid near Balu shop, Pattiveeranpatti to Ayyankottai Road, at that time, one car bearing Registration No.TN-68-X-999 and Bajaj Pulsar Two Wheeler bearing Registration No.TN-57-BX-7294 were standing in a suspicious manner. On seeing the respondent police, the accused persons from the car and the bike tried to escape from the scene of occurrence. But the respondent police surrounded and apprehended the accused persons. On enquiry, it came to know that A1-Sakthivel, who driven the above said car, A2-Saxsena Sripalsethna, who is the rider of the bike and A3-Dhanalakshmi, A4-Rasathi and A5 who were travelled in the car. In front of the revenue officials, the respondent police searched the car and found possession of 40kgs of Ganja in 13 pockets in the car and on further search of the above said Bajaj Pulsar Two Wheeler, the respondent police found 20kgs of Ganja in a white colour gunny bag in 7 pockets. During the investigation, it reveals that A6 was already remanded to judicial custody by NIB CID, Dindigul in Crime No.18 of 2022. Based on the instruction from A7, the contraband was transferred from Sholavanthan to Pattiveeranpatti area by the first accused. After completing the formalities contemplated under NDPS Act, the respondent police arrested A1 to A5 and seized the contraband of 60kgs of Ganja and the vehicles. Hence, the case.

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

4.It is seen that there are eight accused involved in this case, in which, the petitioners are arrayed as A2 and A5. Admittedly, A5 was in the car and he was in conscious possession of contraband weighing 40kgs of Ganja. Insofar as A2 is concerned, he travelled in the Bajaj Pulsar Two Wheeler bearing Registration No.TN-57-BX-7294 and he was found in possession of 20kgs of Ganja. Both are commercial quantity and the petitioners are failed to fulfil the twin conditions as contemplated under Sections 37 of the NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioners.

5.In the result, these petitions are dismissed.

sd/-

07/06/2023

/ TRUE COPY /

/06/2023

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

SJI
TO

1 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

<https://www.mhc.tri>



2 THE OFFICER INCHARGE
DISTRICT JAIL, DINDIGUL.

3 THE OFFICER INCHARGE,
SUB JAIL, NILAKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) . Nos.8714 and
8608 of 2023

Date :07/06/2023

PKP/CG/SAR- /09.06.2023/ **3P/5C**