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

Date : 21/06/2023

PRESENT

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

CRL OP(MD). Nos.8807 and 9011 of 2023

1.Anilkumar ... Petitioner/A1 in
Crl.O.P.(MD)No.9011 of 2023

2.Rahim ... Petitioner/A2 in
Crl.O.P.(MD)No.8807 of 2023

Vs

The Inspector of Police,
Kanyakumari NIBCID Police Station.
Crime No.1/2022
Transferred from
Arumanai Police Station,
Kanyakumari District.
Crime No.79 of 2021. ... Respondent/Complainant
in both petitions

"In both petitions"

For Petitioner : M/s.Selvakumar.S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

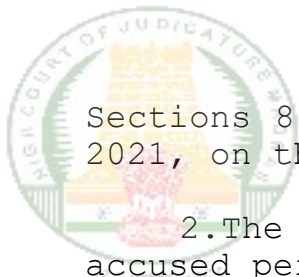
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.79 of 2021 on the file of the Respondent
Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested and remanded to
custody on 02.01.2023 for the offences punishable under



Sections 8(C) r/w 20(b)(ii)(C) and 25 of NDPS Act in Crime of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of 198kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioners would submit that the occurrence was taken place on 27.02.2021. Even according to the case of the prosecution, they seized contraband weighing 198kgs of Ganja from the lorry. However, the petitioners were arrested only on 02.01.2023 after the period of two years. There is absolutely no material to connect the petitioners for the contraband.

4.Per contra, the learned Additional Public Prosecutor would submit that there are totally two accused involved in this case and the petitioners are arrayed as A1 and A2. The lorry bearing Registration No.KL-22-N-4503 owned by the first accused. After seeing the police party, both the accused escaped from the lorry. Both the accused were jointly doing Ganja business in Kerala and both were arrested in another case related to Ganja. Only on P.T. Warrant, the petitioners were produced before the concerned Magistrate and thereafter, remanded to judicial custody.

5.On perusal of the records also revealed that the lorry bearing Registration No.KL-22-N-4503 belonging to the first accused, which was purchased from the list of witness L.W.12 and on perusal of the statement of L.W.12 also clear that the first accused purchased the lorry from L.W.12 and no installment to him. Therefore, they were in possession of 198kgs of Ganja, which is a commercial quantity. That apart, the petitioners have failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioners.

6.In the result, these petition stand dismissed.

sd/-
21/06/2023

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/07/2023

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

SJI
TO

1. The Superintendent,
Central Prison,
Madurai.



2. The Inspector of Police,
Kanyakumari NIB CID Police Station,
Transferred From
Arumanai Police Station,
Kanyakumari District.

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

ORDER

IN

CRL OP (MD) No.8807 & 9011
of 2023

Date :21/06/2023

DL/(30.06.2023)/ 3P/4C