



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/06/2023
PRESENT

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

CRL OP(MD) . No.8801 of 2023

Arockiyasamy

... Petitioner/Accused Rank Not Known

Vs

State through
The Inspector of Police,
Theni PEW Police Station,
Theni District.
(Crime No.202 of 2023).

... Respondent/Complainant

For Petitioner : Mr.S.SELVAKUMAR,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

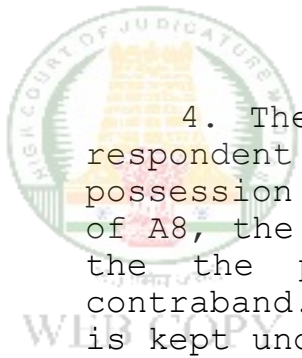
PRAYER :- For Bail in Crime No.202 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A9, who was arrested and remanded to judicial custody on 07.03.2023 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(B), 29(1), 25 of NDPS Act @ under Sections 8(c) r/w. 20(b)(ii)(C), 29(1), 25 of NDPS Act in crime No.202 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.03.2023, the respondent police conducted raid in Kodangipatti to Podanthipuram cross road. At that time, the petitioner along with other accused was found in illegal possession of 1.600 kgs of ganja. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner was found in possession of 1.600kgs of ganja and the petitioner was arrested and remanded in judicial custody on 07.03.2023.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused persons were found in possession of in-between quantity. Only on the confession statement of A8, the other co-accused were arrested with contraband. So far as the petitioner is concerned, he is taking care of the contraband. The contraband was purchased from the Andhra Pradesh and is kept under the custody of the petitioner herein.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. It is seen that totally there are nine accused in this case and the petitioner herein is arrayed as A9. The petitioner was also in conscious and constructive possession of contraband, which is the commercial quantity. That apart, the petitioner failed to make out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act before this Court. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

12/06/2023

/ TRUE COPY /

/06/2023

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

MRN

TO

- 1 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 2 THE INSPECTOR OF POLICE,
THENI PEW POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.8801 of 2023
Date :12/06/2023

SA/SSS/SAR. /19.06.2023/2P/4C