



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.8778 of 2023

Ananthakumar

... Petitioner/2nd Accused

Vs

The State rep. By
The Inspector of Police,
Sedapatty Police Station,
Madurai District.
(Crime No.123 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.123 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 07.10.2022 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29(1) of NDPS Act in crime No.123 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the information received, the respondent police conducted raid near cremation ground, Kalappanpatti. At that time, the petitioner found in illegal possession of 24kgs of ganja in a vehicle bearing registration No.TN-BV-0292. Hence, the case.

3. Heard both sides and perused the materials available on <https://www.mca.gov.in/> including the First Information Report.



4. Totally there are 14 accused in the case and the petitioner herein is arrayed as A2. As per the case of prosecution, the petitioner was found in possession of 24kgs of contraband. Based on his confession statement, they went to Andhra Pradesh and recovered 60kgs of ganja, which is commercial quantity. The learned counsel for the petitioner would submit that in the FIR, it is stated that the petitioner was standing in front of a car and the respondent seized 2 bags of ganja. Further no recover was made as against the petitioner. He was forcibly implicated as accused. It is seen that the two wheeler was ridden by the accused persons. In fact the two wheeler is owned by A1.

5. 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.

6. Hence the petition stands dismissed.

sd/-

12/06/2023

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/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,
SEDAPATTY POLICE STATION,
MADURAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8778 of 2023

Date :12/06/2023

RK/MMS/SAR- (20/06/2023) 2P/4C