



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.8805 of 2023

Muruganantham @ Lion

... Petitioner/Accused No.2

Vs

The State of Tamil Nadu,
Rep. By the Inspector of Police,
Thirukkattuppalli Police Station,
Thanjavur District.
(Crime No.19 of 2023).

... Respondent/Complainant

For Petitioner : Mr.C.K.M.Appaji,
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.19 of 2023 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 14.01.2023 for the offence punishable under Sections 8 (c), 20(b)(ii)(B) and 22(c) of NDPS Act in crime No.19 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on secret information, the respondent police conducted check up in Thirukkattuppalli bus stop. At that time, the petitioner was found illegal possession of 1250grams of DIAZEPAM powder. Hence, the case.

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



4. The learned counsel for the petitioner would submit that both the contraband was in possession of A1 and no recovery was made as against the petitioner.

5. Totally there are two accused in the case and the petitioner herein is arrayed as A2. As per the case of prosecution both the accused found in possession of 1250 grams of ganja along with 750 grams of Diazepam powder. Though ganja is in-between quantity, diazepam powder is a commercial quantity. It is seen that both the accused were in joint possession of contraband, which is a commercial quantity.

6. Considering the above facts and circumstances of the case and also the fact that petitioner fails to satisfy the twin test as contemplated under Section 37 of the NDPS Act , the petitioner is not entitled for bail.

7. 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 INSPECTOR OF POLICE
THIRUKKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8805 of 2023

Date :12/06/2023

PKP/CG/SAR- /19.06.2023/ **2P/4C**