



WEB COPY



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

Date : 14/06/2023

PRESENT

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

CRL OP(MD). Nos.8874 & 9990 of 2023

Shanthi ... Petitioner / Accused Rank not known
in Crl.O.P(MD)No.8874/2023

Ajith ... Petitioner / Accused No.3
in Crl.O.P(MD)No.9990 of 2023

Vs

State through,
The Inspector of Police,
Theni PEW Police Station,
Theni District.

Crime No.202 of 2023. ... Respondent / Complainant
in both Crl.O.Ps'

For Petitioner : Mr.S.Selvakumar, Advocate
(In Crl.O.P(MD)No.8874 of 2023)

For Petitioner : Mr.K.Arunraj, Advocate
(In Crl.O.P(MD)No.9990 of 2023)

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor
(in both Crl.O.Ps')

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

COMMON PRAYER :-

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

COMMON ORDER : The Court made the following order :-

The petitioners / Accused Nos.7 and 3 respectively, who were arrested and remanded to judicial custody on 07.03.2023 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(B), 29(1) and 25 of NDPS Act @ 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of NDPS in Crime No.202 of 2023 on the file of the respondent police, seek bail.



2. The case of the prosecution is that on 07.03.2023 at about 10.15 hours, based on the secret information, the respondent police were in regular patrolling near VPR College in P.C Patti Police Station, the respondent police intercepted a Yamaha two-wheeler bearing Registration No.TN-60-By-1981. On seeing the respondent police, two accused persons tried to escape from the scene of the occurrence. The respondent police surrounded A.3 and A.4 and they were found in possession of 1.100 kgs of Ganja in a pocket wrapped with brown colour tape in a big shopper. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not involve in the allegations levelled in the F.I.R and they are no way connected with the alleged occurrence.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were present at the scene of occurrence and they were found in possession of 24.700 kgs of Ganja and opposed for granting bail to the petitioners.

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

6. There are totally nine accused, in which, the petitioners are arraigned as Accused Nos.7 and 3 respectively. On perusal of the records revealed that Accused No.3 purchased the contraband from Accused Nos.1 and 2 to sell it in retail. Further, it revealed that A.1, A.6 to A.8 used to purchase the contraband regularly from A.5 and they hide the contraband in a secret place which was safeguarded by A.9, who is a close associate of the other accused. The petitioners were in possession of 24.700 kgs of Ganja, which is a commercial quantity. That apart, the petitioners failed to fulfil the twin conditions as contemplated under Section 37 of the NDPS Act in order to satisfy the Court. Therefore, this Court is not inclined to grant bail to the petitioners. Accordingly, these Criminal Original Petitions are dismissed.

sd/-

14/06/2023

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/06/2023

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

PS



To

1.The Inspector of Police,
Theni PEW Police Station
Theni District.

2.The Superintendent.
Special Prison for Women,
Madurai.

3.The Officer Incharge,
District Jail, Theni.

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

ORDER

IN

CRL OP(MD). Nos.8874 & 9990 of 2023

Date :14/06/2023

ED/CG/SAR- (19/06/2023) 3P 5C