



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). No.9870 of 2023

Antony Ragu

... Petitioner / Accused No.2

Vs

State represented through,
The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.
(Crime No.54 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Kannan M, 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.54 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 31.03.2023 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(B) and 22(C) of NDPS Act in Crime No.54 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were in illegal possession of 1.100 kgs of Ganja and 100 grams of mushroom and they were recovered from them. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is incarcerated in imprisonment from the date of his arrest ie., on 31.03.2023 and he has been falsely implicated in this case based on the confession statement of the co-accused. This is the first case and he is not a habitual offender.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in possession of 1.100 kgs of Ganja and 100 grams of mushroom, which is a commercial quantity and opposed for granting bail to the petitioner.

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

6. There are totally three accused, in which, the petitioner is arraigned as Accused No.2, who is the brother of the first accused. Raising the similar ground in the bail application, earlier the petitioner filed a bail application in Crl.O.P(MD)No.7007 of 2023. When this Court was about to dismiss the bail application on 17.04.2023, the learned counsel appearing for the petitioner sought withdrawal of the bail application and the same was dismissed as withdrawn. The petitioner was arrested along with contraband weighing 1.100 kgs of Ganja and 100 grams of mushroom, which is the commercial quantity. That apart, the petitioner 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 petitioner. Accordingly, this Criminal Original Petition is 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,
Kodaikanal Police Station,
Kodaikanal, Dindigul District.

2.The Superintendent,
Central Prison, Madurai.

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

ORDER

IN

CRL OP(MD) No.9870 of 2023

Date :14/06/2023