



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.9963 of 2023

WEB COPY

Mahalingam

... Petitioner/ Accused No.7

Vs

The State of Tamil Nadu,
Rep. By the Inspector of Police,
Austinpatti Police Station,
Madurai District.

(Crime No.67 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.Dinesh,
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.67 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 30.03.2022 for the offence punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act in crime No.67 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on secret information received, the respondent police conducted vehicle check up in Thoppu via Uchampatti Thunaikol Main Road at Uchampattiperumal Kovil. At that time, the petitioner was found illegal possession of 161 packets weighing about 322kgs of ganja in a white color Sumo Car bearing registration No.TN-02-H-1008. Hence, the case.

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

4. The learned counsel for the petitioner would submit that except the confession statement of co-accused, there is no other material to connect the petitioner as the accused. The petitioner is working under the brother of A5 as his lorry driver and he had trip sheet. He has transported steel from Andhra Pradesh to Tamil Nadu. He was arrested and remanded to judicial custody on 30.03.2022.

https://www.mhc.tn.gov.in/judicially there are seven accused in the case and the



petitioner herein is arrayed as A7. As per the case of pro: 1, the lorry was owned by A5. A6 is the cleaner. The petitioner is the driver of the said lorry. They purchased the contraband from Andhra Pradesh and subsequently, hand over the same to the co-accused to supply them in the local area. While transporting the contraband, they were roped into the case by the respondent Police and they were in possession of 322kgs of ganja.

6. It is seen that the petitioner along with A6 had purchased contraband from Andhra Pradesh in a lorry owned by A5. Thereafter, it was transported by other accused, A1 to A4 by using Tata Sumo car to be supplied the contraband to the local area. On the date of occurrence, there was repeated call details between the petitioner and A5 along with A1. That apart, this Court has dismissed the petition filed by A5 and A6 in Crl.O.P.(MD)No.13343 of 2022 on 17.08.2022.

7. 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.

8. 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,
Austinpatti Police Station,
Madurai 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.9963 of 2023

Date :12/06/2023