



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

Date : 30/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.10678 of 2023

WEB COPY

Harimurugan

... Petitioner/Accused No.3

Vs

The State Rep.by
The Inspector of Police,
NIBCID Sivagangai Police Station,
Sivagangai.
(In Crime No.1 of 2023). ... Respondent/Complainant

For Petitioner : M/s.Niranjana S.Kumar,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PRAYER :-

For Bail in Crime no.1 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

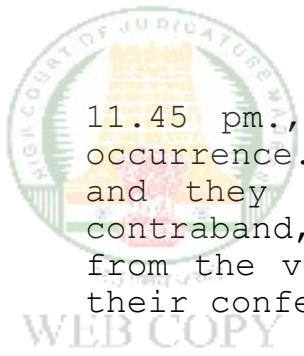
The petitioner, who is arrayed as accused was arrested and remanded to Judicial Custody on 30.01.2023 for the offences punishable under sections 8(C) r/w. 20(b)(ii)(C), 25, 29(1) of NDPS Act, in Crime No.1 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused persons were found in possession of 196 Kgs of Ganja. Hence, the complaint.

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 totally there are 9 accused, in which the petitioner is arrayed as A3. Even according to the prosecution, A1 and A2 were found in possession of 196 Kgs of Ganja. The petitioner has been implicated as accused, only on the confession of co-accused. Though the respondent recorded their confession, nothing speak about the confession statement and there is no specific overt act against the petitioner.

5. The learned Additional Public Prosecutor would submit that on secret information was received at about 07.30 pm., on 07.01.2023. After obtaining higher officers direction, at about



11.45 pm., the respondent police and team went to the occurrence. On 08.01.2023, search information served on A1 and A2 and they were arrested on the said day. On such seizure of contraband, which is weighing 196 Kgs of Ganja, which was recovered from the vehicle bearing Registration No.TN-09-AX-6259. Thereafter, their confession statements were recorded and registered the F.I.R.

6. On perusal of the confession statement, it is clear that there is a specific overt act against that petitioner and that all the accused persons conspired and was illegal possession of 196 Kgs of Ganja. That apart the learned Additional Public Prosecutor submitted the call records between the petitioner and A1 and A9. Therefore, there are material to connect the petitioner in this case and the contraband involved is a commercial quantity. That apart, 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, this Petition is dismissed.

sd/-

30/06/2023

/ TRUE COPY /

/ 07 /2023

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

LS

TO

1. The Inspector of Police,
NIBCID Sivagangai Police Station,
Sivagangai.
2. The Superintendent, Central Prison, Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-9994[I] dated 30/06/2023)

ORDER

IN

CRL OP(MD) No.10678 of 2023

Date :30/06/2023

RD(06/07/2023) 2P 5C