



WEB COPY

CRL OP(MD). N



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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.10156 of 2023

Jeyaseelan

... Petitioner/Accused NO.2

Vs

The State rep. By
The Inspector of Police,
Prohibition Enforcement Wing,
Dindigul,
Dindigul District.
(Crime No.265 of 2023).

... Respondent/Complainant

For Petitioner : Mr.K.K.Samy,
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.265 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 06.03.2023 for the offence punishable under Sections 8 (c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act in crime No.265 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, the respondent police conducted check up. At that time, the petitioner along with other accused was found in illegal possession of 45kgs of ganja in vehicles bearing registration Nos.TN-57-AU-6675, TN-57-BX-9676 and TN-57-BD-6519. 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 no recovery was made as against the petitioner and the seizure mahazer was in the name of A1.

5. It is seen that there are totally six accused in this case and the petitioner herein is arrayed as A2. The accused A1 to A4 were found in possession of 45kgs of contraband. It is a commercial quantity. A perusal of the records reveals that the vehicle, which was used to transfer the contraband was owned by the petitioner. The petitioner was also very much present in the vehicle. That apart, he owned other two vehicles and both the vehicles are seized in the occurrence.

6. The petitioner was also in conscious and constructive possession of contraband, which is the commercial quantity. That apart, the petitioner failed to make out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act before this Court. Therefore, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original 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
PROHIBITION ENFORCEMENT WING, DINDIGUL,
DINDIGUL DISTRICT,
- 2 THE OFFICER INCHARGE
SUB JAIL, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10156 of 2023
Date :12/06/2023

PKP/MMS/SAR- /15.06.2023/ **2P/4C**