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CRL OP(MD). N



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

Date : 20/06/2023

PRESENT

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

CRL OP(MD). No.10593 of 2023

Jalari Ramana, ... Petitioner/Accused No.7
Vs

The state rep.by
The Inspector of Police,
V.K.Puram Police Station,
Tirunelveli District.
(Crime No.376 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Sivaprakash S,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

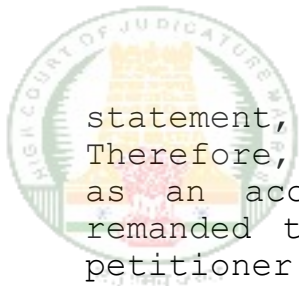
For Bail in Crime No.376 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 19.02.2023 for the offence under sections 8(c) r/w. Sections 20(b)(ii) (C), 29 (1) of NDPS Act, and Section 328 of I.P.C., in Crime No.376 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the accused persons found in illegal possession of 100 Kgs of Ganja.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A7 in this case and he has been implicated as an accused, on the confession statement of A5 and A6. Initially the first accused found in possession of contraband and on confession A5 and A6 were arrested. Except the confession



statement, no other evidence in order to connect the petitioner. Therefore, the petitioner has been falsely implicated in this case as an accused and that apart the petitioner was arrested and remanded to judicial custody from 09.02.2023 and prayed that the petitioner to be released on bail.

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4. Per contra, the learned Additional Public Prosecutor filed counter and would submit that during the investigation, it reveals that the petitioner is close associate with the other accused. A4 was arrested on 16.12.2022, A2 was arrested on 22.01.2023, A5 was arrested on 11.02.2023. On enquiry, came to know that the petitioner had business along with the other accused, they also collected phone call details and CDR reports and Bank transaction, which reveals that the petitioner and other had done drug traffic business.

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

6. It is seen that the petitioner herein is the A7, A7 to A9 are belonged to Andhra Pradesh and they are the main accused in giving and selling Ganja to other accused person, viz., A5, in turn, A5 sell the same to A1 to A4. There are many materials to connect the petitioner along with the other accused persons. Therefore, all the accused persons conspiracy and were in possession of contraband, which is a commercial quantity.

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, this Petition is dismissed.

sd/-

20/06/2023

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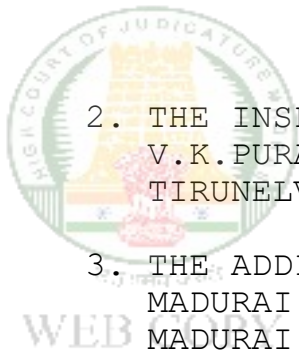
/07/2023

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

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TO

1. THE SUPERINTENDENT,
CENTRAL JAIL,
TIRUNELVELI DISTRICT.



2. THE INSPECTOR OF POLICE,
V.K.PURAM POLICE STATION,
TIRUNELVELI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10593 of 2023

Date :20/06/2023

SI(04.07.2023)3P/ 4C