



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2023

PRESENT

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

CRL OP(MD). No.10989 of 2023

Charles

... Petitioner/2nd Accused

Vs

The State represented by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
Crime No.397 of 2022

... Respondent/Complainant

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

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

PRAYER :-

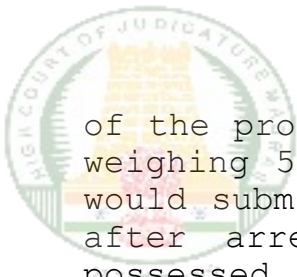
For Bail in Crime No.397 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who was arrested and remanded to judicial custody on 04.06.2022 for the offences punishable under Sections 8 (C) r/w 20(b), (ii) (B), 28 and 29(1) of NDPS Act, 1985 @ 8(C) r/w 20 (b), (ii) (C), 29(1) of NDPS Act, 1985 in Crime No.397 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 5kgs of Ganja Oil. Hence, the case.

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



of the prosecution, A1 to A3 were found in possession of contraband weighing 5kgs of Ganja Oil. The learned counsel for the petitioner would submit that the petitioner was arrested subsequently, namely, after arrest of the first accused and the petitioner has not possessed in any contraband as alleged by the prosecution, whereas, on perusal of documents revealed that the petitioner along with A1 and A3 were found in possession of contraband weighing 5kgs of Ganja Oil. It is a commercial quantity. That apart, the petitioner has failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act.

5. Taking into consideration the seriousness and gravity of the offence, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-

26/06/2023

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/07/2023

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

SJI

TO

- 1 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10989 of 2023

Date :26/06/2023

SS/06/07/2023/2P/4C