



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

Date : 21.06.2023

PRESENT

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

CRL OP(MD)No.10926 of 2023

Nanthakumar

... Petitioner / Accused No.2

Vs

State rep by
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(In Crime No.382 of 2022)

... Respondent / Complainant

For Petitioner : Mr.M.Subash Babu, Senior Counsel
for M/S.K.Sathish Kumar, 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.382 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 22.09.2022 for the offence under section 8(c) r/w 20(b)(ii) (C) of NDPS Act in Crime No.382 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner and other accused persons were found in joint possession of 22 kgs of ganja illegally. Hence the case.

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

4.It is seen that there are totally three accused in this case, in which, the petitioner herein is arrayed as A2. All the accused were in conscious and constructive possession of contraband weighing



22 kgs. However, the learned Senior Counsel appearing for the petitioner would submit that there was two seizure and accordingly, the petitioner herein was found in possession of 6.750 kgs of ganja and it is not commercial quantity. However, the police failed to prepare separate seizure mahazar.

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5. The fact that preparation of separate mahazar is not to the advantage of the petitioner for granting bail. There are so many materials available on record. All the accused persons purchased the contraband from Andhra Pradesh. Therefore, all the accused persons were in conscious and constructive possession of contraband weighing 22 kgs, which is commercial quantity. That apart, this is third petition for bail. There is no change in circumstances. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

21/06/2023

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/07/2023

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

GNS

To

1. The Inspector of Police,
Usilampatti Town 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.10926 of 2023

Date : 21/06/2023

ED/ /SAR- (05/07/2023) 2P 4C