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CRL OP(MD)A



23

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.11046 of 2023

Sesaiya

... Petitioner/Accused No.3

Vs

State rep by
The Inspector of Police,
Nagapattinam NIB CID Police Station,
Nagapattinam.
(Crime No. 52/2019)

... Respondent/Complainant

For Petitioner : Mr.B.Anandan,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.52 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 15.03.2023 for the offence under section 8(c) r/w 20(b) (ii)(C), 25 and 29(1) of NDPS Act, 1985 in Crime No.52 of 2019 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 25.09.2019, based on the secret information, the respondent police went to Muthupettai
<https://www.tn.gov.in/> West side. At that time, they found three persons and on



seeing the police, they tried to escape. However, the police caught them and they found in illegal possession of 280 kgs of ganja in 10 white gunny bags. Hence the case.

3. The learned counsel appearing for the petitioner would submit that as per the confession statement, the petitioner was implicated in this case. The petitioner voluntarily surrendered before the Court below. Even according to the case of the prosecution, there was no recovery from the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other two accused persons were found in joint possession of 280 kgs of ganja in 10 white gunny bag. After seeing police, the petitioner ran away from the scene of occurrence and A1 and A2 were arrested. The petitioner herein was absconded till his arrest, i.e., on 15.03.2023 and only because of his absence, the trial is not commenced yet.

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

6. It is seen that there are totally three accused persons in this case, in which, the petitioner herein is arrayed as A3. It is apparent that the petitioner also in possession of 280 kgs of ganja, which is commercial quantity. Therefore, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed. However, the trial Court is directed to complete the trial within a period of three months from the date of receipt of a copy of this order.

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 ADDITIONAL DISTRICT JUDGE
PRESIDING OFFICER, SPECIAL COURT UNDER
ESSENTIAL COMMODITIES ACT, THANJAVUR.

2 THE INSPECTOR OF POLICE
NAGAPATTINAM NIB CID POLICE STATION,

<https://www.mhc.tn.gov.in> NAGAPATTINAM,



3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKKOTTAI.

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

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COPY TO

1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11046 of 2023
Date :21/06/2023

PKP/VR/SAR- /04.07.2023/ **3P/7C**