



CRL OP(MD). No.12041 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Saravanakumar

... Petitioner/3rd Accused

Vs

State, represented by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.625 of 2022).

... Respondent/Complainant

For Petitioner : Mr.B.Mahendrarajan, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.625 of 2022 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/ 3rd accused herein, who was arrested on 17.10.2022 for the alleged offence under Sections 8(c) r/w.20(b)(ii)(C), 29(1) and 25 of NDPS Act, in Crime



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No.625 of 2023 on the file of the respondent Police, seek bail.

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2. The case of the prosecution is that the petitioner and another were found in illegal possession of 440kgs of Ganja for selling and the same was seized by the respondent Police. Hence the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he was falsely implicated in this case and mandatory procedures under the NDPS Act are not complied by the respondent. The petitioner is not at all involved in this offence.

4.The learned Additional Public Prosecutor submitted that the earlier bail application that was filed by this petitioner is dismissed in CrI.M.P. No.1441 of 2023, dated 13.06.2023 by the Special Court for NDPS Act, Madurai.

5. On earlier hearing, the learned Additional Public Prosecutor was directed to produce the order copy that was passed by the trial Court for extending the period of investigation.

6. When the petition filed by the respondent before the trial Court seeking extension of time to complete the process of investigation, the petitioner has moved an application seeking statutory bail. The trial Court has passed the common order, dated 11.05.2023 and three months time was extended to complete the process of trial. In view of the above said extension of time, the bail application that was



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moved by the petitioner was dismissed subsequently, stating that since it is the commercial quantity, Section 37 of NDPS Act must be complied by the petitioner.

7. Even though the learned counsel for the petitioner submitted that except confession statement of the co-accused, no other material has been collected, on reading of the First Information Report does indicate the fact that only from this petitioner and the co-accused, the above said contraband has been recovered.

8. Considering the above facts and circumstances of the case, considering the huge amount of contraband involved in this matter, this Court is of the view that if he is released on bail, he may abscond or indulge in similar kind of activities. More over, the petitioner has not satisfied the requirement under Section 37 of NDPS Act. In view of the above, the petitioner is not entitled to get any discretionary relief from this Court.

sd/-
10/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL.

<https://www.mhc.tn.gov.in/judis>



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- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12041 of 2023
Date :10/07/2023

PKP/DD/SAR- /07.08.2023/ 4P/ 4C

Madurai Bench of Madras High Court is issuing certified
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