



CRL OP(MD). No.12438 of 2023

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

Date : 10/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12438 of 2023

Alex Pandiyan

... Petitioner / 4th Accused

Vs

The State, rep by
The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam District.
(Crime No.36 of 2022).

... Respondent / Complainant

For Petitioner : Ms.P.Vimala, 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.36 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/4th Accused, who was arrested and remanded to judicial custody on 01.02.2022 by the respondent Police for the alleged offence punishable under Sections 8(c), 20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985, in Crime No.36 of 2022 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the petitioner and other co-accused tried to smuggle the contraband to Srilanka through boat and the respondent Police arrested all the accused and also recovered the 9 gunny bags of Ganja (each 50 kgs) and the vehicles also. Hence, the complaint.

3. The learned counsel for the petitioner would submit that totally three vehicles were proceeding towards destination one after another. From the second vehicle, the above said contraband has been recovered. Absolutely, the petitioner was not available in the place of occurrence and no recovery has been made either contraband or vehicle from the petitioner. Even owner of the vehicle has not been identified by the Investigation Officer and not even confession statement is not recorded.

4. The learned Additional Public Prosecutor would submit that all the three vehicles were proceedings towards destination for smuggling contraband to Srilanka after purchase the same from Andra Pradesh. The petitioner was available in the place of occurrence itself and seized huge portion of contraband.

5. According to the learned counsel for the petitioner, all the above said facts have not been taken into account in the earlier bail application, which was filed by the petitioner.

6. I find no reason to differ from the above said earlier order and no new



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occurrence.

ground is made except stating that the petitioner was not available in the place of occurrence.

7. Considering the facts and circumstances of this case, considering that there is no change of circumstances, huge quantity of contraband is involved and international smuggling of the drug is also involved the petitioner is released on bail, he may abscond and investigation process will be affected. Hence, I find no reason to entertain this petition. This petition deserves dismissal and accordingly dismissed.

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,
Naagapattinam Town Police Station,
Naagapattinam District.

2.The Superintendent,
Central Prison,
Trichy.



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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.12438 of 2023
Date :10/07/2023

ED/BUC/SAR- (02/08/2023) 4P / 4C

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