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CRL OP(MD). N



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

Date : 07/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12334 of 2023

Periyannakumar

... Petitioner / Accused No.2

Vs

State rep by
The Inspector of Police,
S.S.Colony Police Station,
Madurai City
(Crime No.52/2023).

... Respondent / Complainant

For Petitioner : Mr.M.Subash Babu
Senior Counsel for
M/s. Subash Law Office,

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

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

PRAYER :-

To enlarge the petitioner on bail in CC.No.523/2023 on the file of Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Case, Madurai

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 14.01.2023 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(C) and 25 of NDPS Act in Crime No.52 of 2023 on the file of the respondent police, seeks bail.

2.The case of prosecution in brief:

(i)On 14.01.2023 at about 05.30 hours., on secret information received from the Police Informer and after recording the information in Case Diary, the defacto complainant along with the Police Team went to the place of occurrence and involved vehicle check-up. At that time they found 23 kgs of ganja in a Car bearing No.TN 63 BE 7139. Hence, the complaint.

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



3.The learned counsel for the petitioner would submit that absolutely no material has been collected during the course of investigation to connect the petitioner with the above said offence. Even at the time of remand, he was informed to the remanding Magistrate that he was illegally detained at Park Hotel, Madurai by the respondent Police, thereafter only, he was remanded in this case. There is a contradiction with regard to the place of occurrence. In this case, final report has also been filed. The petitioner is in custody from 14.01.2023. Hence, prays to release him on bail.

4.The learned Additional Public prosecutor would submit that in Crl.O.P(MD)No.8254 of 2023, a similar plea has been taken by the first accused, who was found in joint possession with the petitioner. Since, the first accused is having five previous cases, the above said plea same was not accepted by this Court and dismissed the bail petition. Likewise, the petitioner is also having 10 previous cases at his credit, in which, he was acquitted in one case and the other NDPS cases are still pending for investigation. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Considering the above facts and circumstances of the case, vehement objection raised by the learned Additional Public Prosecutor and the bad antecedents of the petitioner, 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.

7.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
07/07/2023

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/07/2023

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

PNM

To

1.The Inspector of Police,
S.S.Colony Police Station,

Madurai District.

<https://www.mca.gov.in>



2.The Superintendent,
Central Prison, Madurai.

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

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ORDER

IN

CRL OP(MD) No.12334 of 2023

Date :07/07/2023

ED/DD/SAR- (13/07/2023) 3P 4C