



CRL OP(MD). No.13675 of 2023

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

Date : 26/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13675 of 2023

Sanjay

... Petitioner / Accused No.4

Vs

The State rep by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur.
(Crime No.1033/2022.)

... Respondent / Complainant

For Petitioner : M/s Balakarthick.S, 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.1033 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4 herein, who was arrested on 25.08.2022 for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985, in Crime No.1033 of 2022, on the file of the respondent police, seeks bail.

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



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2.The case of the prosecution is that the defacto complainant along with his police team went to the place of occurrence. At that time, he found lorry bearing Registration No.TN 52 F 3256. A person was found unloading the same. Another two persons standing along with another vehicle bearing Registration No.TN58 PW 5328. On seeing the police party, they were trying to escape. They were prevented, suspicious search was made. They found 93 Kg. of Kanja in three white colour bags and also found 35 kg. of kanja in another while gunny bag from accused Nos.1 and 2. Hence, the case. Further steps taken as per Rules.

3.On the ground that admittedly, ganja was not recovered from the petitioner, he is acting only as driver in the above said vehicle, except this case no other case has been registered against him; For the past one year he is in custody, this petition has been filed.

4.Per contra, the learned Additional Public Prosecutor would submit that this petitioner was engaged by the first accused for driving the above said vehicle and for transferring the ganja.

5.Since huge quantity is involved, whether this petitioner is involved or not, is matter for trial, this petitioner has to wait. Though he is in custody for about one year, this Court is not inclined to grant bail to the petitioner. This petition deserves to be dismissed.



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6. Accordingly, this criminal original petition stands dismissed.

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/09/2023

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

TM

To

1.The Inspector of Police,
Thanjavur South Police Station,
Thanjavur.

2.The Superintendent,
Central Prison, Trichy.

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

ORDER
IN

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Date :26/07/2023

ED/VRS/SAR- (07/09/2023) 3P / 4C

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