



CRL OP(MD). No.12948 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12948 of 2023

Muruganantham @ Lion

... Petitioner/ Accused 2

Vs

The Inspector of Police,  
Thirukkattupalli Police Station,  
Thanjavur District.  
(Crime No.19 of 2023).

... Respondent/ Complainant

For Petitioner : M/s Appaji.C.K.M,

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

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

PRAYER :- For Bail in Crime No.19 of 2023 on the file of the Respondent Police.

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), 20(b)(ii)(B) and 22(c) of NDPS Act in Crime No.19 of 2023 on the file of the respondent police, seeks bail.



CRL OP(MD). No.12948 of 2023

WEB COPY

2.This is the second petition for bail. The earlier petition was dismissed by this Court on 12.06.2023, since the petitioner has found in possession of ganja and diazepam powder, which is a commercial quantity and failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Seeking bail, this petition has been filed.

3.The learned Additional Public prosecutor would submit that the petitioner along with other accused found in conscious possession with the contraband namely ganja and diazepam powder, which is a commercial quantity. There is no change in circumstances. In this case, final report has been filed before the EC Court, Tanjore in C.C.No.44 of 2023. Hence, prays to dismiss the petition.

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

5.Considering the above facts and circumstances of the case, vehement objection raised by the learned Additional Public Prosecutor and the alleged commercial quantity, 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, there is no change in circumstances and the petitioner is not entitled to get any discretionary relief from this Court, though this is the second petition for bail.



CRL OP(MD). No.12948 of 2023

6. Accordingly, this Criminal Original Petition stands dismissed.

WEB COPY

sd/-  
17/07/2023

/ TRUE COPY /

/07/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PNM  
TO  
1 THE INSPECTOR OF POLICE,  
THIRUKKATTUPALLI POLICE STATION,  
THANJAVUR DISTRICT.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

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

ORDER  
IN  
CRL OP(MD) No.12948 of 2023  
Date :17/07/2023

SA/MMS/SAR. /24.07.2023/3P/4C  
Madurai Bench of Madras High Court is issuing  
certified copies in this format from 17/07/2023.