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

Date : 14/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14146 of 2023

Mohamed Nibash

... Petitioner/ Accused No.5

Vs

State represented by
The Inspector of Police,
NIB CID,
Nagapattinam,
Nagapattinam District.
Crime No.6 of 2021.

... Respondent/ Complainant

For Petitioner : M/s. N.Pragalathan, 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.6 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.5 herein, who was arrested on 04.04.2022, for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of the NDPS Act, in Crime No.6 of 2021, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the defacto complainant is working as Inspector of Police, Q Branch. They were in their routine Special duty on 01.03.2023 at about 10 p.m., they received a secret information that some people are trying to smuggle contraband to Srilanka, in an ambulance. Along with the police team, they were on surveillance near Thopputhurai Railway station. On the second day, i.e., on 02.03.2023, at about 5 a.m., a tempo traveller ambulance was intercepted by the police team. At that time, on search, four persons were found available in the above said vehicle. They disclosed their names as Mahesh, Vicky @ Vignesh, Sundar and Rajkumar. When search was made, they found in possession of Ganja weighing about 28 kilograms and further procedure was undertaken as per the procedure and rules. All the four persons were arrested on the spot and remanded to custody and ever since they were in custody. During the course of enquiry, the involvement of this petitioner also came to light. Based upon which, he was also included in the crime and arrested and remanded to custody on 04.04.2022.

3. Seeking bail, this petitioner has been filed stating that a false case has been foisted against the petitioner and he is not involved in the above said occurrence. The bail application moved before the trial Court by the petitioner came to be dismissed



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by order dated 09.05.2023. After that this petition came to be filed. An application was dismissed by the Special Court stating that Section 37 of the NDPS Act has not been complied by the petitioner. Final report was also filed and taken cognizance in C.C.No.6 of 2023 before the learned Additional District and Sessions Court / Special Court under Essential Commodities Act, Thanjavur.

4. On perusal of the CD file it is seen that only the petitioner contacted the co-accused namely Mahendran for the purpose of arranging the ambulance for transporting the Ganja and he is also a Srilankan refugee and originally living in the camp in Trichy.

5. Considering the overt act that has been attributed against the petitioner and also the fact that he is the master mind in the above said network, this Court is not inclined to grant relief to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

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

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- 1 THE INSPECTOR OF POLICE
NIB CID,NAGAPATTINAM,
NAGAPATTINAM DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL-2, CHENNAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-12287[I] dated 14/08/2023)

ORDER
IN

CRL OP(MD) No.14146 of 2023

Date :14/08/2023

SS/VR/29/08/2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023