



CRL OP(MD). No.15729 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15729 of 2023

Masanam

... Petitioner/ Accused No.3

Vs

The State, through
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
(Crime No.129 of 2023).

... Respondent/ Complainant

For Petitioner : Mr.B.SANTHANAM RAJESH KUMAR,
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.129 of 2023 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 16.04.2023 for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(C) of NDPS Act in Crime No.129 of 2023 on the file of the respondent police, seeks bail.

2.The case of prosecution in brief: (i)On 27.03.2023 at about 06.30 a.m., the respondent Police has received a secret information and after recording the information in Case Diary, the defacto complainant along with the Police Team went



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to the place of occurrence and conducted search. At that time they found 22 kgs of ganja in two vehicles. Hence, the complaint.

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3. The earlier bail application was dismissed by this Court dated 07.07.2023.

4. 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 in the FIR, there is no implication of petitioner to the crime. The petitioner is in custody from 16.04.2023. Further, only the petitioner having possession of 1.500 kgs of contraband, which is below the commercial quantity and investigation is completed. Hence, prays to release him on bail.

5. The learned Additional Public prosecutor would submit that the alleged quantity is a commercial quantity. Only the petitioner has supplied money to purchase ganja from other places. The petitioner is having previous case in Cr.No.199 of 2022 on the file of Aarampakkam Police Station for similar offence. In that case, he was released only on statutory bail. Further, apart from the call details, there was money transaction between this petitioner and other accused. Hence, prays to dismiss the petition.

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



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7. Considering the above facts and circumstances of the case, vehement objection raised by the learned Additional Public Prosecutor and considering the commercial quantity involved in the case and also the bad antecedent 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, I find no change of circumstances, hence, the petitioner is not entitled to get any discretionary relief from this Court.

8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
04/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.

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.15729 of 2023
Date :04/09/2023

SA/VR/SAR. /19.09.2023/4P/4C

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