



CRL OP(MD). No.17827 of 2023

WEB COPY

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

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17827 of 2023

Mahesh Shanmugam @ Mahesh @ Kalvaimahesh ... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Cr.No.526/2020.

... Respondent/Complainant

For Petitioner : M/s.Anto Prince.G,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 526/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested on 18.07.2023 for the alleged offence under



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Sections 20(b)(ii)(B) and 25,8(C) of NDPS Act, in CC.No.147 of 2021 in Crime No.526 of 2020, on the file of the learned District and Sessions Judge, NDPS Act Cases, Madurai, seeks bail.

2. The case of the prosecution is that on secret information, on 09.09.2020 the respondent Police conducted vehicle check-up and seized two wheeler bearing registration No. TN 72 BF 2363 and a car bearing Registration No.TN-05-AP-7270 found 21 kgs of contraband. Based on the confession, the respondent Police has registered a case in Crime No.526 of 2020, against four accused persons. The petitioner is arrayed as A2 in this case.

3. The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that earlier the petitioner was granted bail and due to his ill health he was unable to appear before the trial Court. Further the petitioner was falsely implicated in another case and remanded to judicial custody and now the petitioner is in custody from 18.07.2023, hence he seek bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner was found in possession of 21kgs of ganja. The petitioner is a habitual offender and he is not entitled for bail under Section 37 of NDPS Act. Once a person is convicted under the NDPS Act, he is not entitled for



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bail. This Court has already directed the trial Court to complete the trial within a period of three months and hence prayed for dismissal of the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the fact that the contraband involved in this case is commercial quantity and the petitioner was arrested and remanded to judicial while he was in bail in this case, this Court is not inclined to grant bail to the petitioner.

7. Hence the petition stands dismissed.

sd/-
06/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-14770[I] dated 06/10/2023)

ORDER
IN
CRL OP(MD) No.17827 of 2023
Date :06/10/2023

SS/DD/12/10/2023/4P/5C

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