



CRL OP(MD). No.18048 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.18048 of 2023

Harishankar

... Petitioner/ Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Town North Police Station,
Dindigul.
Crime No.20/2022..

... Respondent/Complainant

For Petitioner : M/s.Mayilvahana Rajendran C,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the Petitioner on bail in connection with CC No.418/2022 on the file of the Principal Special Court for Trial of Narcotic Durgs and Psychotropic Substances Act Cases, Madurai in connection with Cr No.20/2022 on the file of the Respondent.



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ORDER : The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 01.04.2023 for the offences punishable under Sections 8 (c), r/w 20(b)(ii)(c), 25 of NDPS Act in Crime No.20 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.11.2022 at about 09.00 pm., an auto rickshaw bearing Reg.No.TN 57 AA-8399 and a motorcycle bearing Reg.No.TN 57 BK 4411 were intercepted by the respondent police. On seeing the police party, the rider of the two wheeler and auto rickshaw driver tried to run away from the place of occurrence. However, auto driver was caught hold by the respondent police. On search, they found the driver in illegal possession of 22.200 kgs of ganja. Hence, the case.

3.It is the third application filed by the petitioner seeking bail. The learned counsel for the petitioner would submit that except the confession statement of co-accused, no other material has been collected during the course of investigation to implicate him in the offence.



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4.Per contra, the learned Additional Public Prosecutor would submit that apart from this case, the petitioner was involved in five previous cases. Among which, two cases are similar in nature. Three cases have been disposed of. The vehicle which was used in the transportation of Ganja belongs to this petitioner and there is no explanation on the part of the petitioner regarding the ownership. Final report also filed and taken cognizance. Now it is posted for commencement of further proceedings.

5.In response to the above said objections by the learned Additional Public Prosecutor, the learned counsel for the petitioner would submit that all those two similar cases are foisted upon him based on the confession statement of the co-accused.

6.Considering the bad antecedents of the petitioner, it is sufficient enough to say that they have not complied the twin conditions under Section 37 of the NDPS Act. As pointed out by the learned Additional Public Prosecutor, there is no explanation on the part of the petitioner over the ownership of the vehicle involved in transportation of Ganja. So I find absolutely no reason to enlarge the petitioner on bail. If he is released on bail, he may abscond or indulge in similar activities, since it



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has been stated by the learned Additional Public Prosecutor that after obtaining the
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bail in the previous cases, he indulged in similar activities. Over which only, the
present FIR has been registered. Hence, this Court is not inclined to grant bail to the
petitioner.

7. Accordingly, this criminal original petition stands dismissed.

sd/-
01/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tm

TO

1. The Superintendent,
Central Prison, Madurai.
2. The Inspector of Police,
Town North Police Station,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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WEB CRYDM +1. CC to M/S.MAYILVAHANA RAJENDRAN C Advocate SR.No.49826

ORDER
IN
CRL OP(MD) No.18048 of 2023
Date :01/11/2023

RK/VRS (10/11/2023) 5P / 5C

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