



WEB COPY

CRL OP(MD). N



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

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.23087 of 2022

Alagu, ... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
Natham Police Station,
Dindigul District.
Cr.No.71/2022.

... Respondent/Complainant

For Petitioner : M/s. Mohamed Ansar.S,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

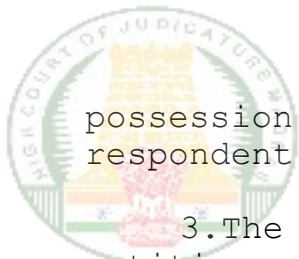
PRAYER :-

For Bail in Crime No.71/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who is facing a case for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act in C.C.No.601 of 2022 on the file of the learned Principal Special Court for EC and NDPS Act Cases, Madurai in Crime No.71 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.02.2022 at 12.00 hours, based on the secret information, the respondent police went to Senthurai pirivu and mounted surveillance and at that time, the petitioner along with the other accused were coming in a two wheeler bearing Reg.No.TN-57-BF-3861 Tata Zest. On seeing the police party, the petitioner along with the other accused attempted to escape. The respondent police nabbed the petitioner and on enquiry, they found the petitioner and the co-accused were found to be joint



possession of 140kgs of Ganja. The said contraband was seized by the respondent police. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case as A2. He would further submit that the petitioner was arrested on 20.02.2022 and he is in custody for almost a year. He would further submit that the investigation has been completed and the case has been taken up for trial in C.C.No.601 of 2022. He would further submit that the co-accused in this case was absconding for a long time and that he has been arrested very recently. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor would submit that there are 13 witnesses in this case and there is every possibility of the trial being concluded within a specified period. He would further submit that it is a case in which commercial quantity of 140kgs of Ganja has been recovered from the accused and that the petitioner has not satisfied the conditions under Section 37 of NDPS Act for grant of bail. Hence, he strongly opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the FIR.

6.Taking into consideration the facts and the submissions made by both the counsels and also taking note of the fact that the quantity of Ganja involved in this is 140 kgs, which is a commercial quantity and the petitioner having not satisfied the condition under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
02/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



TO

WEB COPY

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

ORDER
IN
CRL OP(MD) No.23087 of 2022
Date : 02/01/2023

TR/MMS/SAR I(10.01.2023) 3P 4C