



CRL OP(MD) No.1301 of 2024

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1301 of 2024

MAHENDRA BANOTH

... PETITIONERS / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
NIB-CID, MADURAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.48 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. MANIKANDAN.K Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

TO ENLARGE THE PETITIONER/ACCUSED NO.1 ON BAIL IN C.C.NO.279 OF 2020 IN CRIME NO.48/2018 ON THE FILE THE HONBLE II ND ADDITIONAL DISTRICT AND SESSIONS JUDGE, FOR NDPS CASES, MADURAI.

ORDER : The Court Made the following order :-

The petitioner/A1, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of NDPS Act, 1985, in C.C.No.279 of 2020



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on the file of the learned II Additional District and Sessions Judge for NDPS Cases, Madurai, in Crime No.48 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police, during the routine check up, on 18.04.2018, intercepted the accused persons and recovered 124 kgs of Ganja from the vehicle. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner was not available in the scene of occurrence and no recovery was made from him and only a copy of the driving license is available in the seized vehicle, in which, the petitioner name was mentioned as Mahendra Banoth, whereas, the petitioner name is Banoth Mahendra and as per the Aadhaar Card and other records, his name was mentioned as Banoth Mahendra. He would further submit that the petitioner has one previous case of similar in nature and the same was also ended in acquittal and the petitioner was secured by the respondent police through P.T. Warrant and hence, prayed to grant bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that this is the petitioner's second application for bail and the earlier application in Crl.O.P.(MD) No.22485 of 2023 was dismissed as withdrawn on 05.01.2024 and the seized quantity is a commercial quantity, in which, the petitioner's driving license was recovered from the vehicle and since the petitioner was facing a similar case in Andhrapradesh,



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he was secured through P.T. Warrant and if the petitioner is enlarged on bail, there will be no progress in the trial and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the quantity of contraband involved in this case is a commercial quantity and if the petitioner is enlarged on bail, there will be no progress in the trial, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
30/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FOR NDPS CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
NIB-CID, MADURAI POLICE STATION,
MADURAI DISTRICT.



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3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.1301 of 2024

Date :30/01/2024

PKP/JGB/SAR /05.02.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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