



CRL OP(MD) No.1567 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1567 of 2024

MAHALINGAM

... PETITIONER / ACCUSED No.7

Vs

THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.67 OF 2022.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.DINESH, 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.7 on bail in the connection with CC.No.312 of 2022 on the file of the I-Additional District Judge/Presiding Officer, Principal Special Court for EC and NDPS Act Cases, Madurai.

ORDER : The Court Made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 30.03.2022 for the offence punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act in crime No.67 of 2022 on the file of the respondent police, seeks bail.



CRL OP(MD) No.1567 of 2024

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2. The case of the prosecution is that based on secret information received, the respondent police conducted vehicle check up in Thoppu via Uchampatti Thunaikol Main Road at Uchampattiperumal Kovil. At that time, the petitioner was found illegal possession of 161 packets weighing about 322kgs of ganja in a white color Sumo Car bearing registration No.TN-02-H-1008. Hence, the case.

3. The learned counsel for the petitioner would submit that except the confession statement of co-accused, there is no other material to connect the petitioner as the accused. The petitioner is working under the brother of A5 as his lorry driver and he had trip sheet. He has transported steel from Andhra Pradesh to Tamil Nadu. He was arrested and remanded to judicial custody on 30.03.2022.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that this is the second application for bail and the earlier application filed by the petitioner in Crl.O.P(MD).No.9963 of 2023 was dismissed on 12.06.2024 by this Court. He would further submit that 322 kilo grams of Ganja have been recovered from the accused persons and it is a commercial quantity. Hence, he strongly opposed to grant bail to the petitioner.

5. It appears that this is the second application for bail and the earlier bail application filed by the petitioner in Crl.OP(MD)No.9963 of 2023 was dismissed by this Court on 12.06.2023 on the ground that the petitioner has not satisfied the twin



CRL OP(MD) No.1567 of 2024

conditions as required under Section 37 of the NDPS Act. Now, this application is filed by the petitioner without referring the change of circumstances to consider the case.

6. Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
02/02/2024

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

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TO

- 1 THE INSPECTOR OF POLICE
AUSTINPATTI 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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CRL OP(MD) No.1567 of 2024

ORDER
IN
CRL OP(MD) No.1567 of 2024
Date :02/02/2024

SS/GS/SAR- /07/02/2024/4P/4C

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