



CRL OP(MD) No.1616 of 2024

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

Monday, the Fifth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1616 of 2024

AYYA @ THANGADURAI

... PETITIONER/ACCUSED A1

Vs

THE INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.19 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.SIVASUBRAMANIAN, Advocate

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

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

PRAYER : FOR BAIL IN CRIME NO.19 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on
14.01.2023 for the offence punishable under Section 8(C) r/w. 20(b)(ii)(B), 22(c) of
NDPS Act, 1985 in Crime No.19 of 2023 on the file of the respondent Police, seeks
bail.



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2.The case of the prosecution is that on 13.01.2023, the respondent Police was on routine checkup at Thirukattupalli Bus Stand, at that time, petitioner and other accused persons found in illegal possession of 750 grams of DIAZEPAM and 1250 grams of Ganja. Hence, the present case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Due to previous enmity, the respondent Police foisted the false case against the petitioner and others. Further, the petitioner is in custody from 14.01.2023. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that 750 grams of DIAZEPAM and 1250 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. Admittedly, the petitioner was arrested on 14.01.2023 by the respondent Police at the scene of occurrence and the seized contraband is the commercial quantity. The petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.



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6. In the result, this Criminal Original Petition is dismissed.

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05/02/2024

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/02/2024

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

INDU

TO

1 THE INSPECTOR OF POLICE, THIRUKATTUPALLI POLICE STATION,
THANJAVUR DISTRICT.

2 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.

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

ORDER
IN

CRL OP(MD) No.1616 of 2024
Date :05/02/2024

RS/VR/SAR-(16.02.2024) 3P 4C
Madurai Bench of Madras High Court is issuing
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