



CRL OP(MD) No.1962 of 2024

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

Friday, the Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1962 of 2024

KALMI DURGA PRASAD

... PETITIONER/ ACCUSED NO.5

Vs

THE INSPECTOR OF POLICE
VK PURAM POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO.376/2022

... RESPONDENT/COMPLAINANT

For Petitioner : MR.MUTHU CHARAN SUNDRESH, Advocate
for M/S.PRABAKARAN K Advocate

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

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

PRAYER: FOR BAIL IN CRIME NO.376/2022 ON THE FILE OF THE RESPONDENT
POLICE

ORDER : The Court Made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on

11.02.2023, for the offences punishable under Sections 8(c), r/w 20(b)(ii)(C) and 29(i)

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CRL OP(MD) No.1962 of 2024

of NDPS Act and Section 328 of IPC in Crime No.376 of 2022, on the file of the
respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 100 kg of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. This is the second bail petition. Earlier petition filed by the petitioner in CrIOP(MD)No.6541 of 2023 was dismissed by this Court on 19.04.2023. Further, he is in judicial custody from 11.02.2023. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that the contraband involved in this case is a commercial quantity and hence, the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Further, the petitioner is having 5 previous cases. Out of which, 3 cases are NDPS cases and this is the second bail petition. Earlier bail petition was dismissed by this Court on 19.04.2023. Now, there is no change of circumstances. Thereby, he vehemently opposed to grant bail to the petitioner.



CRL OP(MD) No.1962 of 2024

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

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

sd/-
09/02/2024

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

DSS

TO

1.THE INSPECTOR OF POLICE
VK PURAM POLICE STATION, TIRUNELVELI DISTRICT,

2.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

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

ORDER IN
CRL OP(MD) No.1962 of 2024
Date :09/02/2024

RK/JGB (16/02/2024) 3P / 4C

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