



CRL OP(MD). No.1926 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Muthu

... Petitioner/ Accused No.5

Vs

The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No 355 of 2023.

... Respondent/Complainant

For Petitioner : M/s..P.Krishnaveni, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 355 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to judicial custody on 26.10.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 25 and 29(1) of the Narcotics Drugs Psychotropic Substances Act, 1985 and Section 116 IPC altered into Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of the Narcotics Drugs Psychotropic Substances Act, 1985 in Crime No.355 of 2023, on the file of the



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respondent Police, seeks bail.

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2. The case of the prosecution is that the respondent Police intercepted one lorry and on search, it was found that the accused persons were in illegal possession of six kgs of Ganja. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is a cleaner in the lorry and the said lorry was owned by Accused No.1. He would further submit that the petitioner is in judicial custody from 26.10.2023 and accordingly, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally there are 12 accused in this case and on 26.10.2023, 6 kgs of ganja was recovered from A1 to A5 and based on their confession statement, 42 Kgs of Ganja was recovered from A1 on 12.11.2023. All the accused persons purchased the contraband from Andhrapradesh for the purpose of selling the same in Tamil Nadu and hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is a cleaner of the lorry and also considering the fact that the



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investigation has almost completed and also considering the fact that the contraband involved in this case is not a commercial quantity, this Court is inclined to grant bail to the petitioner herein, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Session Court for Narcotic Drugs and Psychotropic Substances Act cases, Madurai and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily i.e., at 10.30 A.M., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/02/2024

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28/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDGE,
PRINCIPAL SESSION COURT FOR NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE, NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-2463[I] dated 28/02/2024)



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ORDER

IN

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Date :28/02/2024

RS//SAR-(28.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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