



CRL OP(MD). No.7058 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.7058 of 2024

A.Janaki

... Petitioner/ Accused 8

Vs

State represented by
The Inspector of Police,
PEW Pudukottai,
Pudukottai,
Crime No.1058 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.V.KATHIRVELU, Senior Counsel
for Mr.NA.MANIMARAN, Advocate
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.1058 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A8, who was arrested and remanded to Judicial custody
on 28.03.2023, for the offence under sections 8(c) r/w 20(b) (ii) (C) and 25 of NDPS

Act, in Crime No.1058 of 2023, on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.7058 of 2024

WEB COPY

2.The petitioner is A8. Totally 9 accused are there in this case. A1, A2 and A3 were arrested by the respondent police and 100 kgs of ganja has been recovered from A1 and A2 on 17.02.2023. The petitioner is added as an accused on the ground that he is the owner of the vehicle bearing Reg.No.TN 55BH 9993 and he is also having connivance with the other accused for the commission of offence.

3.The learned senior counsel for the petitioner submits that the only material, based on which, the petitioner has been implicated in this case is that he is the owner of the vehicle bearing Reg.No. TN 55BH 9993. He also pointed out that the investigation in this case has been completed.

4.The learned Additional Public Prosecutor appearing for the respondent strongly objects for grant of bail to the petitioner on the following grounds:

- i. A1 and A2 were arrested along with the contraband of 100 kgs of ganja. Based on the information, A3 was arrested on 18.12.2023.
- ii. One two wheeler Honda Deo bearing Reg.No. TN 55 BE 6795 which was used to transport the contraband and 2 Oppo cell phones were recovered from A3.



CRL OP(MD). No.7058 of 2024

WEB COPY

- iii. The petitioner along with A7, A9 and A6 have unloaded and segregated the contraband of 100 kgs of ganja, which was kept in 5 gunny bags in the TATA Ace Vehicle bearing Reg.No.TN 63BK 9049.
- iv. The respondent police arrested A2 and recovered the contraband of 40 kgs of ganja. At that time, the respondent police seized the CT 100 bike bearing Reg.No.TN 55 BH 9993, one Vivo T1X Cell phone and contraband sale amount Rs.10,000/-
- v. Petitioner/ Accused No.8 is the owner of the above said vehicle CT 100 bike TN 55 BH 9993, which was used by A2 to transport Ganja.
- vi. Call details report reveals that the petitioner / A8 contacted all other accused many times during the relevant period of the above said crime. Particularly petitioner contacted the A1 and A2, who were arrested with Contraband nearly 12 and 353 times respectively.
- vii. The Accused No.2 is not a family member of the petitioner herein.
- viii. The contraband recovered from the rented house of A2, which was arranged by the petitioner herein. It was revealed from the statement of the house owner namely, Masthan Begum.

5. The learned Additional Public Prosecutor further submits that apart from the above case, the petitioner has also involved in the following cases:-



CRL OP(MD). No.7058 of 2024

Sl.No	District	Name of the Police Station & Crime No.	offences
1	Sivagangai	NIB CID, 9/2019	8(C) r/w 20(b) (ii) (B) of NDPS Act.
2	Sivagangai	NIB CID, 7/2020	8(C) r/w 20(b) (ii) (B) of NDPS Act.
3	Pudukottai	Pudukottai Town PS,1286/2020	8(C) r/w 20(b) (ii) (B) and 25 of NDPS Act.
4	Pudukottai	Thirukkonam, 732/2021	8(C) r/w 20(b) (ii) (C) 25 and 29(i) of NDPS Act.

6.In reply, the learned senior counsel for the petitioner submits that all the above cases ended in acquittal in the year 2023.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.The main allegation as against this petitioner is that the petitioner's two wheeler bearing Reg.No. TN 55 BH 9993 has been used by A2 for transporting the ganja. A1, A2 and A3 have transported the 5 gunny bags, which consists of 100 kgs of ganja, wherein, the vehicle bearing Reg.No. TN 55 BH 9993 is also found. The learned senior counsel submits that the Investigation Agency has not collected the RC Book of the offending vehicle and the same has not been produced before the concerned



CRL OP(MD). No.7058 of 2024

WEB COPY

Magistrate Court. The learned Additional Public Prosecutor claims that based on the statements recorded under Section 163 of Cr.P.C, they have identified that the vehicle belongs to the petitioner. They have also recorded the statement from the house owner of A2, he would state that this petitioner only arranged the house for A2. These materials can only be corroborated during the trial. The Investigation Agency has also collected some materials on the date of occurrence that the petitioner/A8 had frequent contacts with A1 and A2, nearly 353 times. Moreover, the learned Additional Public Prosecutor claims that the petitioner has involved in four previous cases of similar in nature.

9.Considering the rival submissions made and also the materials placed before this Court, this Court is not inclined to grant bail to this petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

25/06/2024

/ TRUE COPY /

/07/2024

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

VRN

TO

1 THE INSPECTOR OF POLICE,

PEW PUDUKOTTAI,

PUDUKOTTAI.

<https://www.hmc.tn.gov.in/judis>



CRL OP(MD). No.7058 of 2024

2 THE SUPERINTENDENT,
SPECIAL FEMALE CENTRAL PRISON, TRICHY.

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

ORDER
IN
CRL OP(MD) No.7058 of 2024
Date :25/06/2024

SA/GS/SAR. /18.07.2024/6P/4C

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