



CRL OP(MD) No.18043 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.18043 of 2023

P.CHINNARAJ

... PETITIONER/ ACCUSED NO.5

Vs

THE INSPECTOR OF POLICE  
NIB CID POLICE STATION  
THOOTHUKUDI DISTRICT.  
CRIME NO.14/2022.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.MANIMARAN.NA Advocate

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

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

PRAYER: FOR BAIL IN CRIME NO.14/2022 ON THE FILE OF THE RESPONDENT  
POLICE.

ORDER : The Court Made the following order :-

The petitioner/A5, who is facing trial for the offences punishable under  
Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(i) of NDPS Act in C.C.No.41 of 2023 on the



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file of the Principal District and Sessions Judge for E.C. & NDPS Act Cases, Madurai,  
in Crime No.14 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.07.2022 at about 12.00 hours, based on the secret information, the respondent police conducted raid on Thoothukudi to Madurai Main Road near at Pudhur Pandiyapuram Check Post, Bharath Petroleum, at that time, the accused persons were standing standing in the vehicles bearing Registration No.TN-84-M-4213 Eicher and TN-19-F-5555 red colour Volkswagen. On seeing the police party, they escaped from the place. The respondent police nabbed the petitioner and other accused and enquired them. On enquiry, they found that the petitioner and other accused were in joint possession of contraband weighing 437kgs of Ganja. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and based on the confession statement of the co-accused, he was implicated in this case. He would further submit that the petitioner was not available in the scene of occurrence and he is in judicial custody since 05.09.2022. Hence, he prays for grant bail to the petitioner.



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4.The learned Additional Public Prosecutor for the State would submit that this is the petitioner's second application for bail and the earlier application for bail in Crl.O.P.(MD)No.8860 of 2023 was dismissed as withdrawn on 15.06.2023. He would further submit that the quantity involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he opposed to grant bail to the petitioner.

5.Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, since the dismissal of the earlier petition and the quantity involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

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

sd/-  
02/01/2024

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/01/2024  
Sub-Assistant Registrar (C.S. -I/ II/ III/ IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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TO  
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1.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE FOR E.C. & NDPS ACT  
CASES, MADURAI,

2 THE INSPECTOR OF POLICE  
NIB CID POLICE STATION  
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL JAIL,  
TIRUNELVELI.

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

ORDER  
IN

CRL OP(MD) No.18043 of 2023

Date :02/01/2024

RK/DD (09/01/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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