



CRL OP(MD) No.18697 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.18697 of 2023

1 SANTHI

2 PUSHPAM

... PETITIONERS / ACCUSED Nos. 2 & 3

Vs

**THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI.**

CR.NO.705/2022,

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SENTHIL KUMARAI AH.J, Advocate

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

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

PRAYER:

**TO ENLARGE THE PETITIONER ON BAIL IN CONNECTION WITH THE
CASE IN C.C.NO.83/2023 PENDING ON THE FILE OF THE LEARNED SPECIAL
COURT FOR EC/NDPS ACT CASES MADURAI.**

ORDER : The Court Made the following order :-



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The petitioners/ A2 & A3, who are facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 328 of IPC, Sections 6 and 24(1) of Cigarette and Other Tobacco Products Act, 2003 and Section 77 of the Juvenile Justice Care and Protection of Children Act, 2015, in C.C.No.83 of 2023 on the file of the learned Special Court for EC and NDPS Act Cases, Madurai, in Crime No.705 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.07.2022 at about 16.00 hours, based on the secret information, the respondent police went to the petitioners house, at that time, the petitioners along with other accused person attempted to run away from the place. The respondent police caught hold the petitioners along with other accused and conducted the search, it was found that they were in illegal possession of 23.600kgs of Ganja and other Tobacco Products. Hence, this case.

3.Heard the learned counsel on either side and perused the material records of the case.

4.It appears that this is the fourth application for bail and the earlier three bail applications filed by the petitioners in Crl.OP(MD)Nos.1973 and 1943 of 2023, 7216 and 7218 of 2023 and 9358 and 9359 of 2023 were dismissed by this Court on 08.03.2023, 19.04.2023 and 07.06.2023. Now, these applications are filed by the

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



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petitioners without referring the change of circumstances to consider the case.

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

6.In the result, these Criminal Original Petitions are 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.

SJI

TO

1 THE JUDGE,

SPECIAL COURT UNDER EC & NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE

SELLUR POLICE STATION, MADURAI.

3 THE OFFICER INCHARGE,

DISTRICT PRISON,
MADURAI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.18697 of 2023
Date :02/01/2024

PKP/DD/SAR- /09.01.2024/ 4P/5C

Madurai Bench of Madras High Court is issuing certified
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