



CRL OP(MD) No.19244 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.19244 of 2023

POTHURAJ @ POTHIRAJ

... PETITIONER/ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE
SADAPATTY POLICE STATION,
MADURAI DISTRICT.
CR.NO.50/2022

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.PARTHASARATHY, Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER : TO ENLARGE THE PETITIONER ACCUSED NO.3 ON BAIL IN CONNECTION WITH C.C.NO.818/2022 ON THE FILE OF THE SPECIAL COURT FOR NDPS CASES MADURAI IN CR.NO.50/2022 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and 29(1) of NDPS Act, 1985 in C.C.No.818 of 2022 on the file of the learned Special Court for NDPS Cases, Madurai, in Crime No.50 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.04.2022 at about 06.00 p.m., based on

the secret information, the respondent police conducted raid at Peraiyur-Usilampatti

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



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road in Alligundam. On seeing the police Party, the accused persons attempted to run away. The respondent police nabbed A1 along with other accused and enquired. On enquiry, they found that the petitioner and other accused were in joint possession of 20 kgs of Ganja. Thereby, the respondent police registered the present case against the petitioner.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and no recovery was made from this petitioner. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that the petitioner and other accused were found in joint possession of 20 kgs of Ganja illegally. He would further submit that apart from this case, there are two previous cases pending against him and he has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he vehemently opposed to grant bail to the petitioner.

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

6.Considering the facts that the quantity involved in this case is a commercial quantity and the petitioner is having two previous cases and also considering the fact that the petitioner has not satisfied the twin conditions as required under Section 37



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of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

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7. 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

1 THE INSPECTOR OF POLICE, SADAPATTY POLICE STATION,
MADURAI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

ORDER
IN

CRL OP(MD) No.19244 of 2023

Date :02/01/2024

RS/JGB/SAR-(09.01.2024) 3P 4C

Madurai Bench of Madras High Court is issuing
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