



CRL OP(MD) No.20540 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20540 of 2023

KANNAN

... PETITIONER / 3rd ACCUSED

Vs

THE INTELLIGENCE OFFICER
MADURAI SUB ZONE,
MADURAI.
(F.NO.48/1/05/2022)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUNIYANDI, Advocate

For Respondent : Mr.C.ARUL VADIVEL @ SEKAR,
Senior counsel for NCB CASES

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

PRAYER:

TO RELEASE THE PETITIONER/3RD ACCUSED ON BAIL IN
F.NO.48/1/05/2022 ON THE FILE OF THE RESPONDENT.

ORDER : The Court Made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on
24.11.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 23, 28



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and 29 of NDPS Act, 1985 in F.No.48/1/05/2022, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the respondent police intercepted the petitioner and recovered 300kgs of Ganja and 1kg of Hashish Oil. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and based on the confession statement of the co-accused, the petitioner was falsely implicated in this case. He would further submit that the petitioner was not available in the scene of occurrence and no contraband was recovered from the 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 illegal possession of 300kgs of Ganja and 1kg of Hashish Oil and both are commercial quantity and the petitioner 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 above facts and circumstances of the case and also considering the facts 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



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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/-

03/01/2024

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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 INTELLIGENCE OFFICER
MADURAI SUB ZONE, MADURAI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20540 of 2023

Date :03/01/2024

SS/VR/SAR- /09/01/2024/3P/4C

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