



CRL OP(MD). No.21536 of 2023

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

Date : 05/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.21536 of 2023

Nallu

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Elumalai Police Station,
Madurai District.
In Crime No.87 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.A.Prabhu Raj, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.87 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 06.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(c), 25 and 29(1) of NDPS Act, 1985 in Crime No.87 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 05.05.2023, when the respondent Police conducted ride at Kodangipatti, the accused persons came in two wheeler. The respondent Police stopped them and the accused persons tried to escape from the scene of occurrence. However, the Police party caught them and seized three bags containing 11kgs, 6kgs and 4kgs respectively and totally 21kgs of Ganja recovered. Hence, the case. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The petitioner was in possession of 11 kgs of Ganja, which is not commercial quantity. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that one previous case is pending against the petitioner and the commercial quantity of Ganja was recovered from the accused persons. Hence, he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

*** 6.It appears that the co-accused bail application was already dismissed by this Court in CrI.O.P.(MD)No.11088 of 2023, dated 21.06.2023 on the ground that he has not satisfied the twin conditions as required under Section 37 of the NDPS Act.**



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7. Considering the facts and circumstances of the case and also considering the facts that the petitioner is having one previous case and the petitioner and other accused persons were found in joint possession of 21 kgs of Ganja, which is a commercial quantity and he has not satisfied the twin conditions as contemplated under Section 37 of NDPS Act and the co-accused bail application was already dismissed by this Court on 21.06.2023 in CrI.O.P.(MD)No.11088 of 2023, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-

05/01/2024

(*) CORRECTED AS PER ORDER OF THIS
COURT DATED 22.03.2024 IN CRL OP
(MD) NO.21536 OF 2023

/ TRUE COPY /

/01/2024

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

INDU

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 05/01/2024 ALREADY
DESPATCHED

1 THE INSPECTOR OF POLICE

ELUMALAI POLICE STATION, MADURAI DISTRICT.

2 THE SUPERINTENDENT,

CENTRAL PRISON, MADURAI.



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

+1 CC to M/s.A.PRABHU RAJ, Advocate (SR-401[I] dated 09/01/2024)

ORDER
IN
CRL OP(MD) No.21536 of 2023
Date :05/01/2024

SS/DD/SAR- /19/01/2024/4P/5C
ED/ GS /SAR- (27/03/2024) 4P / 5C

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