



Crl.OP(MD)No.22946 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 07/03/2024

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.22946 of 2023

Chalapaka Lokeswara Prasad

... Petitioner/ Accused No.15

Vs.

The Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
(Crime No.224 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.Gopalakrishna Lakshmana Raju, Senior counsel
for Mr.K.Manikandan, Advocate
For Respondent : Mr.S.Ravi, Additional Public Prosecutor

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

PRAYER:-

To enlarge the Petitioner/ Accused No.15 on bail in C.C.No.527/2023 on the file of the respondent/complainant.

ORDER : The Court made the following order:-

The petitioner/A15, who was arrested and remanded to judicial custody, on 04/08/2022 for the offences punishable under sections 8(c) r/w 20(b)(ii)(C) and 25 of the NDPS Act, in Crime No.224 of 2022 on the file of the respondent police, in CC No.527 of 2023 on the file of the 1st Additional District Court for NDPS Act Case, Madurai seeks bail.

2.The case of the prosecution in brief:-



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(i) On 28/07/2022 at about 01.00 pm, on secret information received from the Police Informer and after recording the information in Case Diary, the de-facto complainant along with the Police Team, went near the EB Colony Crematorium ground. At that time, they found 4 persons making some packets. When they were enquired, they revealed their names as Vairavan(A1), Muthukaruppan(A2), Sundarapandi (A3) and Naveen (A4).

(ii) On further enquiry, they revealed that they used to purchase Ganja from Andhra Pradesh and selling the same by making packets. Further process were undertaken as per the procedure. On further search, they were found in possession of 34 kgs of Ganja. They also informed that they purchased the Ganja from one Murugan/A9. Through the above said Murugan, Arjunan/A8 and other accused persons were known to them. They also revealed that A8 and A9 used to visit Andhra Pradesh and purchase Ganja in bulk and they will distribute the same to them for the purpose of selling. A1 to A4 were arrested on the spot and on the basis of the statements recorded, a case was registered in Crime No.224 of 2022.

(iii) Pending investigating, the involvement of the petitioner came to light and he was implicated and remanded to custody, on 04/08/2022 and ever-since from his arrest, he is in custody. The final report was also filed before the trial court.

3.The learned counsel appearing for the petitioner would submit that



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absolutely, no material has been collected during the course of investigation to connect this petitioner with the above said offence; As per the case of the prosecution, Ganja has been recovered from the possession of A1; The petitioner is doing real estate business and not having any bad antecedent either of similar offence or of any other offences; More than 300 days, he is in custody.

4.Heard both sides.

5.It is seen from the records that to show the involvement of the petitioner, there were whatapp chats made by the petitioner with the co-accused. The evidentiary value of collecting materials, during the course of investigation, can be tested only during the trial. The documents that was submitted by the prosecution also shows that the petitioner was making video chat with the co-accused.

6.This is the 4th application. The first application was dismissed on 03/11/2022. The second application was dismissed on 21/01/2023. The third application was dismissed on 10/07/2023. Reading of the above said order shows that elaborate discussion was made with regard to the contact of the petitioner with the co-accused. Finding that no ground was available to the petitioner to satisfy the requirement under section 37 of the NDPS Act, that applications were dismissed. This the 4th application is filed n the ground of change of circumstances.

7.When the illegal smuggling of contraband has taken place and huge quantity



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is involved in the interstate smuggling, I am of the considered view that if the petitioner is released on bail, he may again involve in similar offence. There is no guarantee that he will not repeat or commit the similar offence in future. The conduct of the petitioner does not indicate any good behaviour. So, the petitioner has not satisfied the requirement of law under section 37 of the NDPS Act.

8. In the result, this criminal original petition is dismissed. But however, liberty is granted to the petitioner to approach the trial court itself for bail, since final report is filed.

sd/-
07/03/2024

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/05/2024

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 I ADDITIONAL DISTRICT JUDGE FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE, DHADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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



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ORDER

IN

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Date :07/03/2024

RS/GS/SAR-(07.05.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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