



CRL OP(MD) No.23616 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23616 of 2023

MUTHU

... PETITIONER/ACCUSED NO.5

Vs

THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.355 OF 2023)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.KATHIRVELU, Senior Counsel
for MR.K.PRABHU, Advocate
For Respondent : MR.RAVI, Additional Public Prosecutor

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

PRAYER : FOR BAIL IN CRIME NO. 355 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on
26.10.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 25, 29(1) of
the Narcotic Drugs & Psychotropic Substances Act, 1985 and Section 116 IPC altered
into Sections 8(c) r/w 20(b)(ii)(C), 25, 29(1) of the Narcotic Drugs & Psychotropic



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seeks bail.

Substances Act, 1985 in Crime No.355 of 2023, on the file of the respondent Police,

2.The case of the prosecution is that on 26.10.2023, the law enforcing agency intercepted one lorry and on search, it was found that the accused persons were in illegal possession of 6 kgs of ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the seized contraband is only weighing about 6 kgs and subsequently, on 12.11.2023, the respondent police seized 42 kgs from A11 and tagged the same along with the contraband seized in this case, for the purpose of making it commercial quantity. He would further submit that the petitioner was arrested and remanded to judicial custody on 26.10.2023. Hence, he prayed for bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 12 accused in this case and on 26.10.2023, 6 kgs of ganja was recovered from A1 to A5 and based on their confession statement, 42 kgs of ganja was recovered from A11 on 12.11.2023. All the accused purchased the contraband from Andhrapradesh for the purpose of selling the same in Tamil Nadu. That apart, the petitioner is having two previous cases, in which, one case is similar in nature and another is murder case. He would further submit that investigation in this case is at preliminary stage and hence, he prayed to dismiss this bail petition.



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5. On perusal of records reveals that 6 kgs of contraband was seized from the petitioner and other accused and subsequently, 42 kgs of ganja was seized from the co-accused, which comes to commercial quantity. Further, the petitioner herein is having two previous cases, in which, one case is similar in nature and another is murder case. Hence, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
10/01/2024

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/01/2024

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

gns

TO

1 THE INSPECTOR OF POLICE, NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

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

+1 CC to M/s.K.PRABHU, Advocate (SR-571[I] dated 11/01/2024)

ORDER IN
CRL OP(MD) No.23616 of 2023
Date :10/01/2024

RS/VR/SAR-(23.01.2024) 3P 5C

Madurai Bench of Madras High Court is issuing
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