



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

Thursday, the Twenty Fifth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11026 of 2015

JEYAKUMAR

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

NIB CID, MADURAI DIST,

IN CR.NO. 56/2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. G. SUNDARAM Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who was remanded to judicial custody by the respondent police on 26.03.2015 for the alleged offence under Sections 8 (c) r/w 20(b), (ii)(c) and 25 of NDPS Act, 1985 in Crime No.56 of 2015 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused was found in possession of 20 kgs of ganja.

3.The learned counsel for the petitioner submitted that the petitioner is a first offender and he was acting as a driver in a auto and he had no knowledge about the contraband lying in the vehicle and he has been in judicial custody for more than 90 days. It is further submitted that Sections 42 and 50 of NDPS Act are violated and no independent witness was examined even though search had taken place in a buzzy area where colleges and other business establishments were running. It is further submitted that even in the confession statement, it is not stated from whom the petitioner had purchased the contraband. If really the petitioner had purchased the contraband from the person from Andra Pradesh, the respondent police ought to have conducted proper investigation.

4.Per contra, the learned Government Advocate submitted that the respondent has followed all formalities contained in mandatory provisions of Sections 42 and 50 of NDPS Act and there is no violation at all. It is further submitted that the accused himself has admitted that he purchased ganja from Andra Pradesh and selling illegally and he did not inform from whom he purchased the contraband. The learned Government Advocate further submitted that as per Sections 37 of NDPS Act, the accused is not entitled for



5.Considering the above said facts, this Court is not entitled to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-
25/06/2015

/ TRUE COPY /

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI
- 2 THE INSPECTOR OF POLICE
NIB CID, MADURAI DIST.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Sm:30.06.2015:2P/4C

ORDER
IN
CRL OP(MD) No.11026 of 2015
Date :25/06/2015