



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

Thursday, the Twelfth day of February Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.1315 of 2015

WEB COPY
MAHENDRAN

... PETITIONER/ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
NIBCID, THENI, THENI DISTRICT.
CRIME NO.164/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SHAHJAKAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 25.10.2014 for the alleged offences punishable under Sections 8(c) r/w 20 (b)(ii)(C) of NDPS Act in Crime No.164 of 2014 on the file of the respondent police, seeks bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. State has filed its counter, in which they have stated the facts of the case in Paragraph No.2 as follows:

"2.I humbly submit that prosecution case is that on the basis of secret information, on 25.10.2014, the respondent police went to Uthamapalayam to Cumbum Bypass Road near Petrol Bunk at that time one two wheeler TVS XL Super TN 60 T 8496 came to the spot and on the identification by the informer, the respondent police intercepted the vehicle and on enquiry the respondent police came to know that he is Thangamalai, S/o. Ammavasi, and on enquiry found that he possessed 25 kgs of kanja in white colour gunny bag and after completed all the formalities, seized the contraband, vehicle and arrested the accused and further the accused Thangamalai stated that himself along with one Mahendran, S/o.Rasuthevar went to Andhrapradesh and purchased kanja and he is waiting at Cuddalore Main Road near Appachi Farm and on his direction the respondent police arrested the Mahendran S/o.Rasuthevar and registered a case in Cr.No.164/2014 Under Section 8(c), r/w 20(b)(ii)(C), 29 (ii)(C) and 25 of NDPS Act and taken up for investigation."

4. This Court perused the confession statement of the co-accused and found that he has implicated this petitioner in the offence. Investigation is at the very preliminary stage. There is one previous conviction of the petitioner for possession of 60 kgs of Kanja in Crime No.16 of 2000.



5. In view of previous antecedents of this petitioner and also seriousness of the allegation against him, this petitioner is not entitled to bail in the light of Section 37 of NDPS Act.

6. Hence, the Criminal Original Petition is dismissed.

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sd/-
12/02/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
NIBCID, THENI, THENI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SHAHJAKAN Advocate SR.No. 6862

SR : 16.02.2015 : 2P/5C

ORDER
IN
CRL OP(MD) No.1315 of 2015
Date :12/02/2015