



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

Tuesday, the Eleventh day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

Crl.O.P.(MD)Nos.14326, 14615, 14620, 13836, 14330 and 14627 of 2015

RAHIT @ ABUL @ ABUL KASIM

... PETITIONER(S) / ACCUSED RANK NOT KNOWN IN OP 14326 OF 2015

GANGAI AMARAN @ MOHAMMED USSAIN

... PETITIONER(S) / ACCUSED RANK NOT KNOWN IN OP 14615 OF 2015

AHAMED GANI

... PETITIONER(S) / ACCUSED RANK NOT KNOWN IN OP 14620 OF 2015

MOHAMMED YASAR ARAPATH

... PETITIONER(S) / ACCUSED RANK NOT KNOWN IN OP 13836 OF 2015

IMRAAN

... PETITIONER(S) / ACCUSED RANK NOT KNOWN IN OP 14330 OF 2015

INNASI DIPRIS

... PETITIONER(S) / ACCUSED RANK NOT KNOWN IN OP 14627 OF 2015

Vs

STATE REP BY:: THE INSPECTOR OF POLICE

ERWADI DHARGAA POLICE STATION, RAMNAD

DISTRICT, CR.NO.122 OF 2015

... RESPONDENT(S) / COMPLAINANT
IN ALL THE PETITIONS

For Petitioner : M/S.A.UTHAYAKUMAR Advocate

IN CRL OP(MD)14326 14615 14620 AND 14627 OF 2015

MR. VEERA.KATHIRAVAN, ADVOCATE IN CRL OP(MD)13836 OF 2015

MR. M. PITCHAI MUTHU, ADVOCATE IN CRL OP(MD)14330 OF 2015

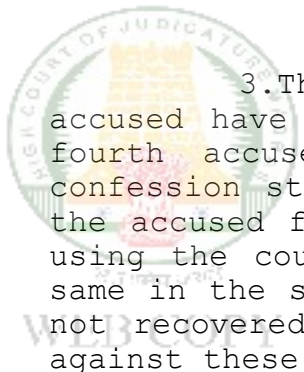
For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side) IN ALL THE OP'S

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused in Crime No.122 of 2015 on the file of the respondent police, were arrested and remanded to judicial custody and one of the accused surrendered and thereafter remanded to judicial custody for the alleged offences punishable under Sections 8(C) r/w 20(b) (II) (C), 23(C), 25, 29 of NDPS Act, 1985 and hence, seeks bail.

2.The case of the prosecution is that on 14.06.2015, on getting secret information that the banded NDPS substances are smuggled to Srilanka and the Special Sub Inspector of Police along with two Head Constables went to east Mangaleshwar Nagar sea shore around 03.30 hours and on seeing the police party, the smugglers escaped in a country boat and the police lorry bearing Registration No. 02 AJ 1386 and recovered 2 kgs of ganja and on the arrest of the fourth accused Nagaraj, another 2 kgs of ganja was recovered.



3.The learned counsel for the petitioners submitted that all the accused have been implicated in this case based on the confession of the fourth accused Nagaraj and the arrested accused namely Imran gave a confession stating that another 650 to 750 kgs of ganja was transported by the accused from Chennai for the purpose of taking the same to Srilanka by using the country boat and on seeing the police party, they abandoned the same in the sea shore, however, based on the confession, the respondent has not recovered any and therefore, confession of the accused cannot put against these petitioners.

4. The learned Government Advocate submitted that on 14.06.2015 the respondent police have intercepted a mini lorry and recovered 2 kgs of ganja from the lorry and after arresting the driver of the lorry namely Nagaraj they seized another 2 kgs from him and it is further submitted that for recovery of 650 to 50 kgs of ganja in the coastal area, the Customs Preventive Unit, Rameshwaram has filed a separate case in O.R.No.2 of 2015 - 2016 and the petitioners are not impleaded in that case so far.

5. The learned Government Advocate(Crl.side) further submitted that the petitioners have no bad antecedents and the respondent has recovered totally 4 kgs of ganja from the accused in this case.

6.The respondent has also filed a detailed counter dated 03.08.2015 opposing the bail petition.

7.Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail on the following conditions. Accordingly, the petitioners are directed to be released on bail on each of them executing a separate bond for a sum of Rs.10,000/-(Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for EC and NDPS Act Cases, Pudukottai and on further condition that the petitioner shall report before the respondent police daily twice ie., at 10.00 a.m., and 05.00 p.m., until further orders.

sd/-

11/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE SPECIAL COURT JUDGE

SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKKOTTAI

2 THE ADDL. PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

3 THE OFFICER IN CHARGE DISTRICT PRISON, RAMANATHAPURAM DISTRICT

4 THE INSPECTOR OF POLICE

ERWADI DHARGAA POLICE STATION, RAMNAD DISTRICT

4. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.45414 45412 45413 45415

2CC TO MR. R. MURUGAN, ADV SR: 45320

1CC TO MR. M. PITCHAIMUTHU, ADV SR: 45540

DM 11 8 15 - 2P 12C

ORDER

IN

Crl.O.P.(MD)Nos.14326, 14615, 14620, 13836, 14330 and 14627 of 2015

Date :11/08/2015