



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.20638 of 2015

POTHUMANI

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO. 146 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S S.MUNIYANDI Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, in Crime No.146 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 12.05.2015, for the alleged offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, and hence, seeks bail.

2.According to the prosecution, on receipt of secret information the respondent had conducted a raid on 05.03.2015 at Kodankipatti, Tiruchendur Vadakku Colony and seized 50 kgs of ganja from the accused Nos.3 and 4.

3.The learned counsel for the petitioner submitted that the petitioner was implicated based on the confession of the co-accused and even as per the prosecution, the entire contraband was recovered from the accused Nos.3 and 4 and the co-accused/A2 to 4 were already arrested and released on bail by this Court in Crl.O.P.Nos.8088, 9142 and 9414 of 2015.

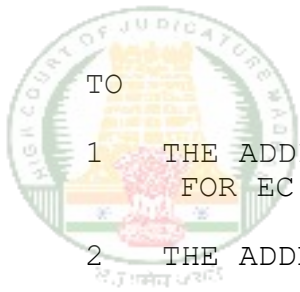
4.The learned Government Advocate (Crl.side) vehemently opposed the bail petition contending that the petitioner is having 19 previous cases of similar in nature and it is a case of commercial quantit, therefore, as per Section 37 of NDPS Act, the petitioner is not entitled for bail.

5.However, considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on executing a 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 Additional District Judge for Principal Special Court for EC and NDPS Act Cases, Madurai and on further condition that the petitioner shall report before the respondent police daily twice a day at 10.00 a.m, and 05.00 p.m., until further orders.

sd/-

29/10/2015

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TO

1 THE ADDITIONAL DISTRICT JUDGE FOR PRINCIPAL SPECIAL COURT
FOR EC AND NDPS ACT CASES, MADURAI.

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

3 THE OFFICER IN CHARGE, WOMEN CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, PALANICHETTIPATTI POLICE STATION,
THENI DISTRICT.

+1. CC to M/S S.MUNIYANDI Advocate SR.No.63350

ORDER IN
CRL OP(MD) No.20638 of 2015
Date :29/10/2015

PBK/SK/SAR-I 29/10/2015 ::2P-6C::