



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

Friday, the Twenty Seventh day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21202 of 2015

KALIYUGAKANNAN

... PETITIONER/ACCUSED No.2

Vs

INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE,
MADURAI DISTRICT.
(NCBF. N.48/1/02/2015 - NCB/)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S K.GOKUL ADVOCATE
FOR RESPONDENT : MR.C.ARUL VADIVEL @ SEKAR FOR
SPECIAL PUBLIC PROSECUTOR

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

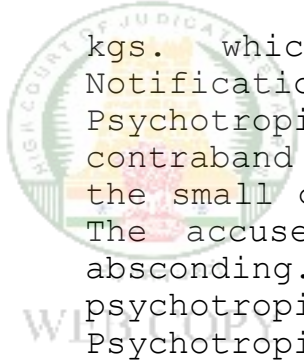
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2, in Crime No.NCBF.N.48/1/02/2015-NCB on the file of the respondent police, was arrested on 26.05.2015 for the alleged offence punishable under Sections 8(c) r/w. 22(c), 28 and 29 of NDPS Act, 1985 and hence, seeks bail.

2. The case of the prosecution is that on 24.05.2015, the de-facto complainant, on receiving secret information that A1 was travelling in a bus to handover Alprazolam to A2 and A3 and the same is a substance used to enhance the potency of Toddy Arrack. The de-facto complainant interrogated the petitioner and two other accused in the presence of two independent witnesses and recovered 7.22 kgs. of Alprazolam from them. The respondent police recorded the confession statement of the accused and produced the accused before the Judicial Magistrate Court, Rajapalayam.

3. The case of the petitioner is that Alprazolam is a psychotropic substance found in Serial No.30 in the schedule of the Narcotic Drugs and Psychotropic Substances Act, 1985 and it is used for medicine purpose and it is not an offence under Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Mr.C.Arul Vadivel @ Sekar, the learned Special Public Prosecutor appearing for the respondent filed a counter affidavit and stated that the total weight of the contraband seized is 7.22



kgs. which is commercial quantity as contemplated in the Notification issued under Section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985. It is further stated that the contraband Alprazolam comes in Serial No.178 of the Notification and the small quantity is 5 grams and commercial quantity is 100 grams. The accused No.4 by name Jayappa from Andhra Pradesh is still absconding. The contraband seized from the petitioner is a psychotropic substance covered under the Narcotic Drugs and Psychotropic Substances Act, 1985 and since the quantity involved in the crime comes under commercial quantity, Section 37 of the NDPS Act would squarely applicable to the case.

5. Considering the gravity of the offence and nature of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
27/11/2015

/ TRUE COPY /

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

TO

1. INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE,
MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+ 1 CC To M/S K.GOKUL Advocate SR.No. 67999
+ 1 CC TO MR.C.ARUL VADIVEL @ SEKAR, ADVOCATE IN SR NO. 67871

ORDER
IN
CRL OP(MD) No.21202 of 2015
Date :27/11/2015

2P/6C
TE/AAL-MPA/SAR-I : 03/12/2015