



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

Wednesday, the Twenty Fifth day of March Two Thousand Fifteen

PRESENT

WEB COPY

**The Hon`ble Mr Justice P.N.PRAKASH**

CRL OP(MD) No.4074 of 2015

SARAVANAN @ SARAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
PAMBAN POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
CRIME NO.63 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SENTHIL KUMAR Advocate

For Respondent : M/S.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 23.09.2014 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(c) and 25 of NDPS Act, 1985 in Crime No.63 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).

3. The case of the prosecution is that this petitioner was arrested on 23.09.2014 for involvement in the trafficking of 102 k.gs. of ganja.

4. The respondent police have filed a counter affidavit strongly opposing the grant of bail to the petitioner, in the light of Section 37 of the NDPS Act.

5. It was argued by the learned counsel for the petitioner that the petitioner will be entitled be released on statutory bail for the failure of the prosecution to file a final report within the time stipulated by 161 Cr.P.C. r/w. 36(A) (4) of NDPS Act. Therefore, this Court called for information from the Special Court for NDPS Act Cases, Pudukottai with regard to the assertion made by the learned counsel for the petitioner. This Court has received the information that the petitioner was arrested and remanded to judicial custody on 23.09.2014 and today, 183 days have lapsed and final report has not been filed by the police. No application for



extension of remand has also been filed by the concerned Public Prosecutor before the Special Court. Under such circumstances, the petitioner gets an indefeasible right to be released on bail.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai and on further condition that:

[a] the petitioner shall report before the respondent police daily at 6.30 p.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[e] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

25/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/PRESIDING OFFICER, SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE, PAMBAN POLICE STATION, RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER IN-CHARGE, SUB-JAIL, RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.SENTHIL KUMAR, Advocate SR.No.14701.

ORDER IN

CRL OP(MD) No.4074 of 2015

Date :25/03/2015