



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Seventeenth day of April Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6730 of 2015

SELVARANI

..PETITIONER/ACCUSED No.4

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
PALANICHETTI PATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.146/2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.MUTHUSARAVANAN Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate (Criminal Side)

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

ORDER : The Court Made the following order :-

The petitioner is A4 and she was arrested on 05.03.2015 and remanded to judicial custody for the alleged offences punishable under sections 8 (c) r/w 20(b)(ii), (c) of NDPS Act, in Crime No.146 of 2015 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 04.03.2015, the respondent police, after obtaining search warrant from the concerned Judicial Magistrate, searched the house of the petitioner/A4 and A3, who is the husband of the petitioner and found two bags containing 50 kgs of Ganja.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent lady and she has not committed any offence as alleged by the prosecution. He further submitted that even according to the prosecution, the respondent police recovered 50.200 kgs of Ganja, but they have produced 50 kgs of Ganja before the court concerned, which creates serious doubt over the case of the prosecution. It is further submitted that the respondent has not followed the mandatory procedure contemplated under section 50 of the NDPS Act.

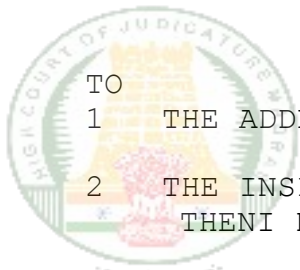
4.Per contra, the learned Government Advocate (Criminal side) appearing for the respondent submitted that the procedures to be followed under section 50 of the NDPS Act does not apply to the present case, as the contraband was recovered from the house of the petitioner/A4. It is further submitted that the accused were in possession of 50 kgs of Ganja and therefore, the petitioner/A4 is not entitled for bail.

5.Considering the facts and circumstances of the case, this court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-

17/04/2015

/ TRUE COPY /



TO

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

2 THE INSPECTOR OF POLICE, PALANICHETTI PATTI POLICE STATION,
THENI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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ORDER IN

CRL OP(MD) No.6730 of 2015

Date :17/04/2015

PBK/SAR-I 24/04/2015 ::2P-4C: