



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

Tuesday, the Twenty Eighth day of April Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.7471 of 2015

P.MURUGAN

... PETITIONER / ACCUSED SINGLE

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THENI NIB-CID, THENI DISTRICT.
(CR.NO.184 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.S.SHANGEETHA, Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

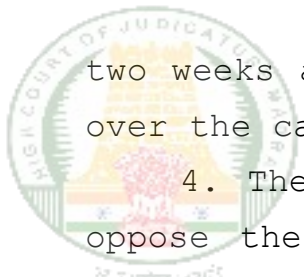
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is the sole accused in Crime No.184 of 2014 on the file of the respondent police was arrested and remanded to the judicial custody by the respondent police on 08.11.2014 for the alleged offence under Section 8(c) r/w 20(b), (ii), (C), of NDPS Act, 1985 and hence seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 26 kgs of ganja.

3. The learned counsel for the petitioner submitted that the respondent has not followed the mandatory provisions contained in Sections 41, 42, 50, 57, 55 of NDPS Act. It is further submitted that the Inspector of Police has not informed the higher authorities and he has not obtained written consent to proceed with the case and even though the accused was arrested in a public place, no independent witness was examined for arrest and seizure of the contraband and the contraband was not produced within 72 hours before the jurisdictional Magistrate. The learned counsel further submitted that this Court in Crl.O.P(MD)No.18641 of 2014, has considered the case of production of contraband after a period of



two weeks and held that the circumstances creates serious suspicion over the case of the prosecution of the case and granted bail.

4. The learned Government Advocate(Crl. Side) would vehemently oppose the application stating that this is a case of commercial quantity and there is no violation of the provisions of law and as per Section 37 of the NDPS Act, the petitioner is not entitled for bail.

5. However, following the order passed in Crl.O.P(MD)No.18641 of 2014, I am inclined to enlarge the petitioner on bail on the following conditions. Accordingly, the petitioner is directed 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 learned Additional District Court/ Principal Special Court, NDPS Act Cases, Madurai, and on further condition that the petitioner shall appear before the respondent police daily twice i.e., morning at 10.00 a.m and evening at 5.00 p.m. until further orders.

sd/-
28/04/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ADDITIONAL DISTRICT COURT/ PRINCIPAL SPECIAL COURT, NDPS ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, THENI NIB-CID, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.S.SHANGEETHA, Advocate SR.No.22766.

ORDER IN
CRL OP(MD) No.7471 of 2015
Date :28/04/2015

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