



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

Thursday, the Fourth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.7917 of 2015

JOTHIMURUGAN

... PETITIONER / ACCUSED NO.3

Vs

THE INTELLIGENCE OFFICER
NCB, MADURAI,
NCB FILE NO.48/1/01/2014 MDU. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

For Respondent : MR.C.ARUL VADIVEL @ SEKAR,
SPECIAL PUBLIC PROSECUTOR FOR NCP.

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

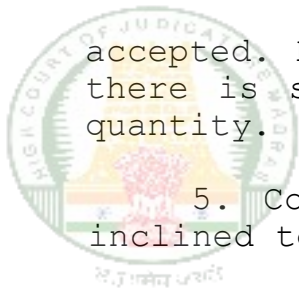
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3 in N.C.B.File No.48/1/01/2014/MDU on the file of the respondent police apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 8(c) r/w.20(b)(ii)(C) and 27A, 28 and 29 of NDPS Act and hence, seeks anticipatory bail.

2. The case of the prosecution is that on receipt of secret information, the respondent had conducted a raid in the house of the accused on 06.06.2014 and they found 40 Kgs of Ganja.

3. It is submitted by the learned counsel for the petitioner that as per the case of the prosecution, the seizer had taken place on 06.06.2014 at 5.30 p.m. and it was completed only at 8.15 p.m. But the seizer mahazar contains file number which creates a serious doubt over the prosecution and that the respondent has recovered 18 pockets of ganja and all the contrabands were mixed and samples were taken. He would further submit that the samples were not taken from each pocket and the sample taken after mixture is against law.

4. Per contra, Mr.C.Arul Vadivel @ Sekar, learned Special Public Prosecutor submitted that the statement given by the accused before the respondent is admissible and in the statement the accused have categorically admitted the possession of the contraband. He would further submit that the respondent immediately after receiving the secret information, assigned file number and therefore, the seizer mahazar contains file number, which creates doubt, cannot be



accepted. He also submitted that as per Section 37 of the NDPS Act, there is specific bar in granting bail in the case of commercial quantity.

5. Considering the nature of allegations, this Court is not inclined to grant bail to the petitioner.

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sd/-
04/06/2015

/ TRUE COPY /

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

TO

1.THE INTELLIGENCE OFFICER
NCB, MADURAI, NCB FILE NO.48/1/01/2014 MDU.

2.THE SUPERINTENDENT CENTRAL PRISON, MADURAI

3.THE SPECIAL PUBLIC PROSECUTOR FOR NCB,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.C.AURUL VADIVEL @ SEKAR, Advocate SR.No.27632

ORDER
IN
CRL OP(MD) No.7917 of 2015
Date :04/06/2015

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