



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

Wednesday, the Twenty Ninth day of April Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.8209 of 2015

WEB COPY

AASAIYAN

... PETITIONER/ ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NIB CID, MADURAI DT,
CRIME NO.215/2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.B.PANDIARAJAN Advocate

For Respondent : MR.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 arrayed as A1, was arrested on 15.11.2014 and remanded to judicial custody for the alleged offence punishable under section 8(C) r/w 20(b)(ii)(c), 29(1) and 25 of NDPS Act, in Crime No.215 of 2014 on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the petitioner was found in possession of 250 kgs of ganja.

3.The learned counsel for the petitioner submitted that according to the prosecution, the respondent police arrested the accused on 15.11.2014 at 12.00 hours, and the case was registered at 13.00 hours, but the arrest memo contains the crime number. The learned counsel further submits that the registration of the case itself, creates a serious suspicion over the case of the prosecution and, hence he is entitled for bail. The learned counsel further submits that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) would submit that the accused and the contraband were produced before the Court on the same day. The learned Government Advocate has filed a counter and vehemently oppose the bail application.

5.In Crl.O.P(MD)No.18641 of 2014, dated 12.11.2014, this Court taking the view that the production of the contraband after a lapse of time, creates serious suspicion over the case of the prosecution and further held that section 37 of NDPS Act is not applicable to those case, granted bail.



6.Considering the facts and circumstances of the case, this court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered 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 Principal Special Court for EC and NDPS Act Cases, Madurai and on further condition that the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

sd/-
29/04/2015

/ TRUE COPY /

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

TO

1.THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES, MADURAI.

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

3.THE SUPERINTENDENT CENTRAL PRISON, MADURAI.

4.THE INSPECTOR OF POLICE
NIB CID, MADURAI DISTRICT.

+1. CC to M/S.B.PANDIARAJAN Advocate SR.No.23444

ORDER
IN
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Date :29/04/2015

RG.29.04.2015 2P.6C.