



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

Tuesday, the Twenty Sixth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL.OP(MD) Nos.6457 and 6257 of 2016

PARAMAN @ KUTTA PARAMAN

... PETITIONER/ACCUSED NO.1
IN CRL.OP(MD)NO.6457/2016

BALU

... PETITIONER/ACCUSED NO.3
IN CRL.OP(MD)NO.6257/2016

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
SINTHUPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.234 OF 2015)

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S S.MUNIYANDI Advocate in
Crl.OP(MD)No.6457/2016

M/S.B.PANDIARAJAN, Advocate in
Crl.OP(MD)No.6257/2016

For Respondent : M/S.A.P.BALASUBRAMANI,
Government Advocate (Crl.Side) in both the Petitions

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.(MD).No.6457 is A1 and the petitioner in Crl.O.P.(MD).No.6257 is A3, who were arrested and remanded to judicial custody on 15.12.2015 by the respondent police for the alleged offences punishable under Sections 8(c) r/w. 20(b) (ii)(C) 25 and 29 of NDPS Act, 1985, in connection with the case registered in Crime No.234 of 2015 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioners in both cases submitted that the petitioners are innocent persons and a false case has been foisted against them. He further submitted that the



petitioners are ready to co-operate with the investigation and ready to furnish surety as ordered by this Court. Therefore, the learned counsel for petitioner in each petition prays for enlargement of the petitioners on bail.

3. The learned Additional Public Prosecutor contended that the previous petition filed by the petitioners in Cr.M.P.Nos.199 and 62 of 2016, respectively, before the Principal Special Court for EC & NDPS Act Cases, Madurai was dismissed on 29.01.2016 and 11.01.2016, respectively, and after the dismissal of these petitions, there is no change of the circumstances as alleged in the petition or mentioned in the argument. Perusal of the F.I.R shows that 120 grams of Ganja was seized from the petitioners and the investigation is also pending, if they are released on bail, they may abscond and it will affect the entire case and he prays for dismissal of this petition.

4. The learned counsel for the petitioner also contended that there is huge delay in producing the seized contraband before the concerned Court and the respondent police did not follow the procedure. Hence, the petition may be allowed.

5. On the side of the respondent police, they have filed a common counter affidavit in CrI.O.P(MD).Nos. 6457 and 6257 of 2016, stating that on 22.11.2015, at about 07.15 hours, on receiving a secret information, police has examined the TATA ACE bearing Registered No.TN-58-V-9357 which was proceeded towards Usilampatti, and when the vehicle was stopped by the police party and on seeing the police party the driver and other person escaped from the vehicle. When the vehicle was involved to search, the respondent police seized 3 bags and each contains 40 Kg of Ganja (totally 120 Kgs of Ganja), from the vehicle. Afterwards, they registered F.I.R. in Crime No.234 of 2015 and prepared mahazar etc., and when the vehicle was identified by the informer, four accused were escaped leaving the vehicle, the accused were also identified by the informer. Hence, this Court is of the view that there is no irregularity or illegality in registering the F.I.R. and seizing of vehicle. The learned Government Advocate produced the entire case diary before this Court.

6. On a reading of the case diary, it is seen that the petitioner in CrI.O.P(MD).No.6457 of 2016 is having one previous case in Settapatti Police Station in Crime No.139 of 2013 for the offences under Sections 8(c), r/w.20(b),(11), 25,29 of NDPS Act dated 31.08.2013 for having possession of 1.300 kgm of Ganja and the petitioner in CrI.O.P(MD).No. 6257 of 2016 is having 3 previous cases in the same Settapatti police station, in Crime Nos.111/2013, 164/2013 and 100/2014, for the offences under Sections 8(c) r/w 20 (b)(ii)(B), 29 NDPS Act, respectively. It is also seen that both the petitioners are professional sellers of Ganja and if they are released on bail, they will involve to tamper the investigation and they may be abscond and it will affect the trial.



7. Considering the rival submissions made on either side and also considering the fact that after the dismissal of the previous application, these petitions are presented before this Court and on verification of the entire petition, there is no change of circumstances was put forth on the side of the petitioners, and since 120 Kgm of contraband is involved in these cases and Charge Sheet were also registered in these cases, and the accused in these cases are involved in previous cases for the same offences, this Court is not inclined to grant bail to the petitioners at this stage and hence, these Criminal Original Petitions are **dismissed**.

sd/-
26/04/2016

/ TRUE COPY /

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

TO

1. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
2. THE SUPERINTENDENT
CENTRAL PRISON
MADURAI
3. THE INSPECTOR OF POLICE
SINTHUPATTI POLICE STATION,
MADURAI DISTRICT.

RL/4C/3P/GSV/SARI/12/5/2016

ORDER
IN
CRL OP (MD) Nos. 6457 and 6257
of 2016
Date : 26/04/2016