



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

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.8715 of 2016

ALAGUPANDI

... PETITIONER/ ACCUSED NO.8

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

NIBCID,MADURAI,CR NO. 106 OF 2013. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.RAMU Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

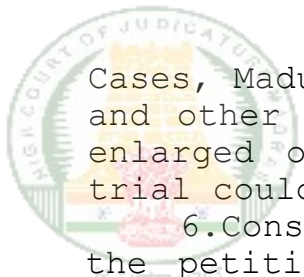
ORDER : The Court Made the following order :-

The petitioner is arrayed as accused No.8, who was arrested and remanded to judicial custody on 24.02.2016 for the alleged offences punishable under Sections 8(c) r/w 20(b) (C), 27(A) and 29 of NDPS Act, in Crime No.106 of 2013, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on information, when the respondent police conducted inspection at Door No.28, the accused persons were intercepted and they were found in possession of 470 kgs of Heroin. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He has been falsely implicated only based on the confession of A1. The respondent police committed serious violation of law as they mentioned the Crime number in the arrest memo. No contraband was seized from the petitioner. Except this petitioner all other accused were granted bail and anticipatory bail.

4.The learned Government Advocate (Crl.side) filed counter affidavit and submitted that the petitioner and other accused conspired together and were smuggled Heroin. Accused persons are notorious criminal and all the accused persons were involved in many cases. Accused persons possessed 470 kgs of Heroin and the contraband seized is commercial quantity and as per Section 37 of the NDPS Act, he is not entitled to bail. The report from the Central Forensic Science Laboratory, Hyderabad, dated 16.01.2014, which confirmed that the sample contains Diacetylmorphine. Final report was filed before the Learned Special Judge for NDPS Act



Cases, Madurai, in C.C.NO.45 of 2016. A2 to A4 and A6 are absconding and other accused are yet to be apprehended. If the petitioner is enlarged on bail, he will indulge in similar activities and the trial could not be proceeded with.

6.Considering the serious nature of allegations made against the petitioner and also considering the fact that the contraband seized is commercial quantity and four accused are yet to be apprehended, this Court is not inclined to grant bail to the petitioner. Hence, this petition is dismissed.

sd/-
28/06/2016

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

TO

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

AM

JA-AAL-MPA-SAR.II/12.07.2016/2P:4C

ORDER IN
CRL OP(MD) No.8715 of 2016
Date :28/06/2016