



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9032 of 2016

SAKTHIVEL

... PETITIONER / A4

Vs

The State rep.by
THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
KUMBAKONAM,
THANJAVUR DISTRICT.
(CRIME NO. 556 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.M.KARUNAKARAN Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

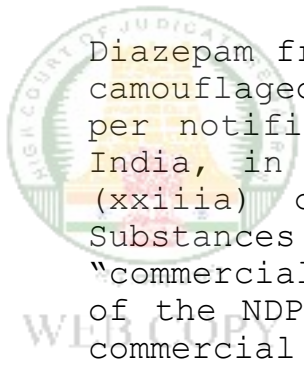
ORDER : The Court Made the following order :-

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 24.09.2015 for the alleged offences punishable under Sections 8(c) r/w. 22(c) of NDPS Act 1985, in Crime No.556 of 2015, on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that on secret information, on 24.09.2015, the respondent Police conducted raid and found that three accused persons were found in possession of 720 gms of Diazepam and the same was seized and thereafter, they were arrested and remanded to judicial custody on the same day. On complaint, a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 24.09.2015 and the co-accused A1 to A3 were arrested and released on bail and seeks bail in favour of the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that while searching, the petitioner along with other accused were found in possession of 750 gms of Diazepam, which is commercial quantity. The petitioner was arrested and confessed that they used to get



Diazepam from Karaikal and mix the same with water and sell the same camouflaged as arrack adds credence. He further submitted that as per notification issued by the Ministry of Finance, Government of India, in exercise of the powers conferred by clauses (viia) and (xxiia) of Section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985, 500 gms of Diazepam are notified as "commercial quantity". He further contended that as per Section 37 of the NDPS Act, 1985 the persons involved for offences involving commercial quantity are not entitled for bail.

5. Considering the serious nature of allegations made against the petitioner and that the Diazepam seized is commercial quantity, this Court is not inclined to enlarge the petitioner on bail.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
24/06/2016

/ TRUE COPY /

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

TO

- 1 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY
- 2 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.M.KARUNAKARAN Advocate SR.No.32852

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ORDER
IN
CRL OP(MD) No.9032 of 2016
Date :24/06/2016