



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

Friday, the Fourth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10223 of 2017

PRABHU

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE SUB-INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO.205 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MITHUN CHAKRAVARTHI Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

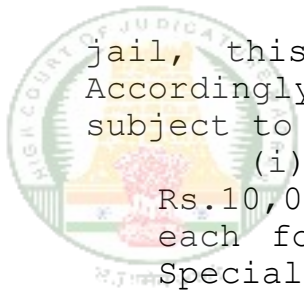
The petitioner / sole accused, who was arrested on 28.06.2017 for the offences punishable under Sections 8(c) r/w 20(b)(2)(B) NDPS Act in Crime No.205 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 10 kgs of Ganja.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the seizure was not done properly and the search should be done only in the presence of Judicial Magistrate or a Gazetted Officer of his rank as per NDPS Act.

4.The learned Additional Public Prosecutor submitted that the petitioner is the sole accused and he purchased the alleged contraband from Andrapradesh. He further submitted that investigation is pending and no similar type of previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the seized contraband is below commercial quantity and no similar type of previous case is pending against the petitioner and the period of incarceration of the petitioner in



jail, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) the petitioner shall execute 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 Principal Special Court for NDPS Act Cases, Madurai;

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

04/08/2017

/ TRUE COPY /

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

TO

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

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE SUB-INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.MITHUN CHAKRAVARTHI Advocate SR.No.28171

ORDER

IN

CRL OP(MD) No.10223 of 2017

Date :04/08/2017

MKV-CM-MSA-SAR 4/8.8.2017/2P-6C