



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

Monday, the Eleventh day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11171 of 2017

WEB COPY

AYYAPPAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
PATTEESWARAM POLICE STATION,
THANJAVUR DT,
IN CRIME NO. 136 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.SENTHILKUMAR Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

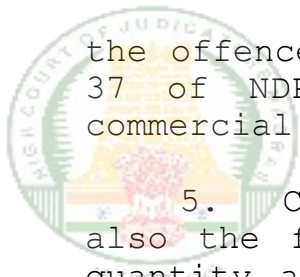
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.1 was arrested and remanded to judicial custody on 13.05.2017 for the offences punishable under Sections 8(c) r/w.22(c) of NDPS Act in Crime No.136 of 2017 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused are said to have transported 560 gms of "Diazepam" illegally by using Indica Car.

3. The learned counsel appearing for the petitioner states that the petitioner and other accused are friends and he has no knowledge about the transportation of the "Diazepam". He would further state that on the date of occurrence, the petitioner was waiting in the Thanjavur Bus Stand and at that time, the accused saw the petitioner and compelled him to travel in the car to his village and for that reason the petitioner was travelled in the car along with accused. He further contended that the other accused are escaped from the scene of occurrence and the vehicle itself does not belong to the petitioner herein and he is not the owner of the said contraband as well as the vehicle.

4. The Additional Public Prosecutor appearing for the respondent would submit on instructions that there are totally five accused in this case and the petitioner herein is arrayed as A1. He would further state that the contraband seized is more than commercial quantity and it is recovered from A1, who is also travelling in Indica Car along with other accused. He further contended that the petitioner is having previous case including for



the offence under Section 302 of IPC and there is bar under Section 37 of NDPS act, since the seized quantity is more than the commercial quantity and the investigation is still pending.

5. Considering the facts and circumstances of the case and also the fact that the seized contraband is more than commercial quantity and the petitioner is also entertain under Section 37 of NDPS Act and that the petitioner is having previous case including for the offence under Section 302 of IPC, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the Criminal Original Petition is dismissed.

sd/-
11/09/2017

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.11171 of 2017
Date :11/09/2017

PK/RR-BS/SAR-1/14.09.2017 : 2P/4C