



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

Monday, the Twenty Eighth day of August Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.11234 of 2017

SOOBI @ SUBBAIAH

... PETITIONER/ACCUSED NO.2

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO.327 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.THANDAYUTHAPANI 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 / A2, who was arrested on 31.07.2017 for the offences punishable under Sections 8(c) r/w 20(b)(ii) (B) of NDPS Act in Crime No.327 of 2017 on the file of the respondent police, seeks bail.

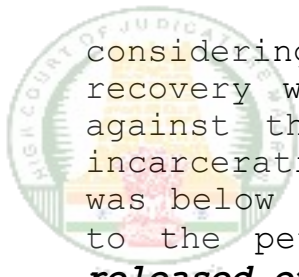
2.The case of the prosecution is that the petitioner has purchased Ganja from A1 and A1 was in possession of 5 kgs of Ganja.

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 would further submit that the seized contraband from A1 is below commercial quantity.

4.The learned Additional Public Prosecutor submitted that totally there are 3 accused and the petitioner is arrayed as A2 and A1 & A3 were arrested and they are in custody. He further submitted that the contraband was seized from A1 and the petitioner is having two similar type of previous case before the respondent Police and the said cases are pending for trial before the concerned Court. He also submitted that investigation is still pending in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and



considering the fact that the contraband was seized from A1 and no recovery was effected from the petitioner and the previous cases against the petitioner are pending for trial and the period of incarceration of the petitioner in jail and the seized contraband was below commercial quantity, 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:

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(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 EC & NDPS Act Court, Madurai;

(ii) the petitioner is directed to appear before the Principal Special Court for EC & NDPS Act Court, Madurai 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/-

28/08/2017

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

TO

1 THE PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT COURT, MADURAI.

2 THE SUB INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.

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

4 THE OFFICER-IN-CHARGE, DISTRICT CENTRAL PRISON, DINDIGUL.

+1. CC to M/S.G.THANDAYUTHAPANI Advocate SR.No.29342

NBJ

CSL/CM-MSA/SAR-III/28.08.2017 : 2P/6C

ORDER

IN

CRL OP(MD) No.11234 of 2017

Date :28/08/2017