



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

Thursday, the Twenty Fifth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.6326 of 2017

RAVI @ RAVICHANDRAN

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INTELIGENCE OFFICER OF CUSTOMS,
CUSTOMS OFFICE, TRICHY DISTRICT.
O.R.NO. 1 OF 2010

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PERIYASAMY Advocate

For Respondent : MR.C.ARUL VADIVEL @ SEKAR SPECIAL PUBLIC PROSECUTOR
FOR CUSTOMS Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 27.05.2013 for the offences punishable under Sections 8 (C) r/w 20(B)(ii)(c), 25 and 29 of the NDPS Act, in O.R.No.1 of 2010 on the file of the respondent police, in connection with a case in C.C.No.29 of 2011 on the file of the learned Additional District and Sessions Judge/Presiding Officer, Court of EC & NDPS Act Cases, Pudukottai and hence, seeks bail.

2.The case of the prosecution is that the respondent police intercepted a mini-lorry and seized Ganja weighing about 493 Kgs. The Officers also apprehended one Muthuraman (A1) and Ramesh(A2) and recorded their statements and based on their statements, the petitioner/A3, who is the owner of the mini-lorry, was implicated in this case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and except the confession of the co-accused, there are no materials against the petitioner. He further submitted that the petitioner is in jail from 30.04.2013, and hence, he prayed for grant of bail to the petitioner.

4.The learned Special Public Prosecutor filed a detailed counter and submitted that the alleged contraband is commercial quantity and there is a bar under section 37 of the NDPS Act and if the petitioner is released on bail, then it is very difficult for the respondent police to secure the petitioner and hence, he strongly opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in jail from 27.05.2013, 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 learned Additional District and Sessions Judge for EC and NDPS Act cases, Pudukottai;

(ii) the petitioner is directed to appear before the trial court daily twice i.e., at 10.30 a.m. and 05.00 p.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 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

6. The trial court is also directed to dispose of the case in C.C.No.29 of 2011 within a period of three months from the date of receipt of a copy of this order.

sd/-
25/05/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
FOR EC AND NDPS ACT CASES, PUDUKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INTELLIGENCE OFFICER OF CUSTOMS,
CUSTOMS OFFICE, TRICHY DISTRICT.

+1. CC to M/S.S.PERIYASAMY Advocate SR.No.22840

+1. CC to M/S.C.ARUL VADIVEL @ SEKAR, Special Public Prosecutor for Customs, SR.No.22849

ORDER IN
CRL OP(MD) No.6326 of 2017
Date :25/05/2017