



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

Wednesday, the Twenty Sixth day of April Two Thousand
Seventeen

PRESENT

WEB COPY

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.4618 of 2017

ABU @ ABUPAKKAR

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY

THE INSPECTOR OF POLICE

NIB CID, MADURAI, RAMANATHAPURAM DISTRICT

(CRIME NO. 6 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.MURALI KUMAR Advocate

For Respondent : Mr.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

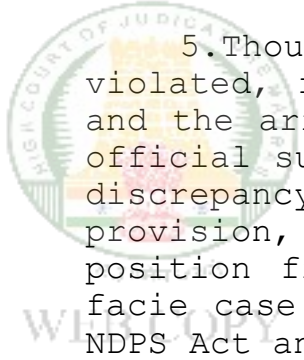
ORDER : The Court Made the following order :-

The petitioner/accused No.2 who was arrested and remanded to judicial custody on 19.01.2017 for the offences under Sections 8(C) r/w 22(c) and 29(1) of the NDPS Act in Crime No.6 of 2017 on the file of the respondent/Police, seeks bail.

2.The case against the petitioner is that he was found in possession of 1 kg of Methaqualone which is a psychotropic substance possession of which is punishable for a period not less than 10 years. It is a commercial quantity.

3.The counsel for the petitioner submits that the petitioner is an innocent person and the prosecution has failed to comply Section 57 of the NDPS Act, hence, he is entitled for bail.

4.However, the learned Government Advocate (Criminal Side) in his counter has stated that based on the prior information, the premises of a Courier company was searched and in the course of the search, 1 kg of Methaqualone was seized from the petitioner on 19.01.2017. In the course of investigation, it is now found that a gang of drug traffickers involved in procuring Methaqualone from India and illegally transporting the drug to Srilanka and this petitioner plays pivotal role in transporting the illicit drug to Srilanka.



5. Though it is alleged that Section 57 of the NDPS Act violated, from the records, this Court finds no such violation and the arrest and seizure has been forwarded to the immediate official superior within 48 hours. In any event, if at all any discrepancy in violation of Section 57 or any other mandatory provision, it is a matter for trial and this Court is not in a position from the records to conclude that there is no prima facie case against this petitioner to invoke Section 37 of the NDPS Act and grant bail.

Hence, this Criminal Original Petition is dismissed.

sd/-
26/04/2017

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
NIB CID, MADURAI, RAMANATHAPURAM DISTRICT
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, RAMANATHAPURAM
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to MR.A.MURALI KUMAR , ADVOCATE, SR NO:21506

JAM/28.04.17/CM-MSA/SAR 4 2P-5C

ORDER
IN
CRL OP(MD) No.4618 of 2017
Date :26/04/2017