



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

Tuesday, the Thirteenth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) No.6467 of 2017

MURUGAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
NIB CID,
THENI,
CRIME NO.65/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.POORNA CHANDRAN Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor

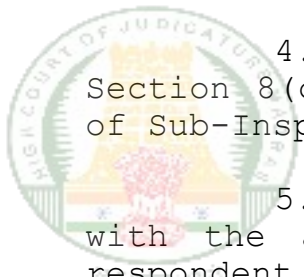
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / accused in Crime No.65 of 2017 on the file of the respondent Police, for the alleged offences under Sections 8 (c) r/w 20 (b) (ii) (C) of NDPS Act, seeks bail.

2. Heard Mr.S.Poorna Chandran, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the respondent/Police.

3. According to the petitioner, he was remanded to Judicial Custody on 26.04.2017, based on the case registered on 19.11.2016. According to the prosecution, based on secret information, this petitioner was intercepted by the respondent police, while he was carrying gunny bag containing Kanja. In the course of interrogation, this petitioner discloses his name and address. Before taking personal search, he was informed about his right under Section 50 of the Act, to exercise option of being searched before the Judicial Magistrate or a Gazetted Officer. At that time, the petitioner herein pushed the police and escaped from the scene of occurrence. Taking advantage of near by bushes run through it and absconded. Hereafter, the Police has found 30kgs of Kanja in the gunny bag and on the same day FIR has been registered under Crime No.65/2017.



4. A case was registered under Crime No. 639/16, under Section 8(c) r/w 20(b) (ii)(c) of NDPS Act, based on the complaint of Sub-Inspector of Police, Cumbam North Police Station.

5. The case of the petitioner is that he has nothing to do with the alleged recovery and it is mere a table work of the respondent police for the statistical purpose. According to the petitioner, the alleged, seized property was not forwarded to the concerned Court, immediately after seizing and FIR in the said case was registered belatedly only on 13.04.2017 by Sub Inspector of Police, Theni NIB. Though the seizure was effected by the Cumbam North Police Sub-Inspector, the delay in registering FIR by NIB Police or transferring the case to NIB immediately after seizure endures right to the petitioner to seek bail, since there is prima facie material to show that the petitioner is innocent.

6. It is contented by the Additional public prosecutor that there are several cases against this petitioner for violating NDPS Act.

7. In this case this Court finds that the person, who seized the contraband, has not forwarded the contraband to the Police and not reported the matter to his immediate superior as per Section 57 of the NDPS Act. The reason for transferring the case from Cumbam Police to Theni NIB after lapse of few months not been explained.

8. This Court, considering the above facts, is inclined to grant bail to him, by imposing stringent conditions. 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) each, with two sureties for a like sum to the satisfaction of the Special Court for EC & NDPS Act Cases, Madurai

(ii)The petitioner shall stay at Madurai and report before the Special Court for EC & NDPS Act Cases, Madurai daily at 10.30 a.m. until further orders.

(iii)The petitioner shall not tamper with the evidence or witnesses either during investigation or trial.

sd/-

13/06/2017

/ TRUE COPY /

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

TO

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



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

4 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

TA/SM

CSL/PN/SAR-I/16.06.2017 : 3P/5C

WEB COPY

ORDER

IN

CRL OP (MD) No.6467 of 2017

Date :13/06/2017