



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1258 of 2018

PAVAN DURAI,

... PETITIONER / ACCUSED NO.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NIB CID, KANIYAKUMARI DISTRICT,
CR.NO.61 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.ESWARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

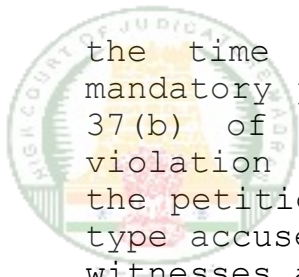
The petitioner / A2, who was arrested on 18.12.2017 for the offence punishable under Sections 8 (c) r/w 20(b) (ii) (C) & 25 NDPS Act in Crime No.61 of 2017, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 72 kgs of ganja. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 18.12.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein was found in possession of 72 kgs of ganja in road side. As per the submissions of the learned counsel appearing for the petitioner, only on receiving secret information, the petitioner was arrested and the case was registered. Admittedly, the learned counsel appearing for the petitioner did not point out any one of the reason, in which during



the time of investigation, the respondent Police violated the mandatory procedure laid in the NDPS Act. Considering the Section 37(b) of NDPS Act, it is necessary to prove that there is a violation in the investigation. The learned counsel appearing for the petitioner did not show any materials in this aspect. If, this type accused is released on bail, there will be chance to tamper the witnesses and hamper the investigation.

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6.Considering the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
01/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
NIB CID, KANIYAKUMARI DISTRICT
 - 2 THE THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 3 THE SUPERINTENDENT,CENTRAL PRISON, PRALAYAMKOTTAI
- +1. CC to M/S.M.ESWARAN Advocate SR.No.1746

GNS
GJM/RR/SAR-3-7.2.18-2P-5C

ORDER
IN
CRL OP(MD) No.1258 of 2018
Date :01/02/2018