



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.1259 of 2018

S. SURESH,

... PETITIONER/ACCUSED NO.I

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NIB CID, KANIYAKUMARI DISTRICT.
CRIME 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 :-

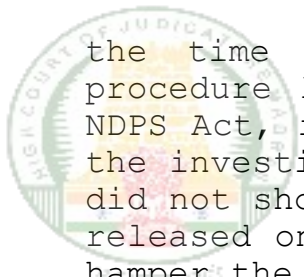
The petitioner / A1, who was arrested on 18.12.2017 for the offence punishable under Sections 8 (c) r/w 20(b) (ii) (C) & 25 NDPS Act in Crime No.61 of 2017, seeks bail.

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 on road side. As per the submissions of the learned counsel appearing for the petitioner, on receiving secret information alone, 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 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 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI

gns

+1. CC to M/S.M.ESWARAN Advocate SR.No.1745

GJM/RR/SAR-3-7..18-2P-5C

ORDER
IN
CRL OP(MD) No.1259 of 2018
Date :01/02/2018