



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2078 of 2018

1 VINO PARAMAN
2 SATHIYARAJ

... PETITIONERS/ ACCUSED 1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
N.I.B. CID, TRICHY.
(CRIME NO.78/2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.D.RAMESHKUMAR, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

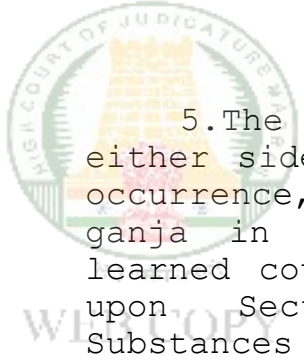
ORDER : The Court Made the following order :-

The petitioners / A1 & A2, who were arrested and remanded to judicial custody on 10.11.2017 for the offence punishable under Section 8(c) r/w.20(b)(ii)(C) and Section 25 of NDPS Act, 1985, in Crime No.78 of 2017, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 10.11.2017, on the basis of secret information, the respondent police was conducting the vehicle checkup near Samayapuram Toll Plaza, at that time, one Ford Ikon Car bearing Registration No.TN-67-R-6167 came, the respondent police intercepted the car, they found 4 white color gunny bags, each contained 30.250 kgs of ganja, totally 121 kgs of ganja. Hence, case has been registered against the petitioners for the offences stated above, they were arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they are in judicial custody from 10.11.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that both accused were illegally possessed 121 kgs of ganja. There is no previous case is pending against these petitioners. According to him, 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 petitioners were found in possession of 120 kgs of ganja in a Car bearing Registration No.TN-67-R-6167. Now, the learned counsel appearing for the petitioners, specifically relied upon Sections 42 and 50 of the Narcotic Drugs & Psychotropic Substances Act, 1985 and submitted that the case was registered on 10.11.2017 at 20.30 hours, on the other hand, arrest memo was prepared at 18.00 hours for Crime No.78 of 2017 on the file the respondent police. Accordingly, before registration of the case, the crime number pertaining to the petition, was mentioned in the arrest memo. The said discrepancy creates serious doubt over the case of the prosecution. Now, the petitioners are in judicial custody from 10.11.2017 to till date. So, for the reasons stated above, custodial interrogation of the petitioners may not be necessary for completing the investigation.

6.Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Presiding Officer, Special Court for E.C & NDPS Act Cases, Pudukkottai.

(ii)the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders.

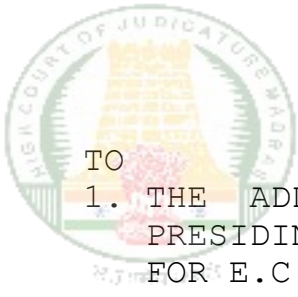
(iii)the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-
09/02/2018

/ TRUE COPY /



TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PRESIDING OFFICER, SPECIAL COURT
FOR E.C & NDPS ACT CASES, PUDUKKOTTAI.

2. THE INSPECTOR OF POLICE, N.I.B. CID, TRICHY.

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1. CC to M/S.D.RAMESHKUMAR Advocate SR.No.2204

ORDER

IN

CRL OP(MD) No.2078 of 2018

Date : 09/02/2018

MS/CM-VR/SAR.2/09.02.2018/3P.6C