



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2618 of 2018

KAVERI

... PETITIONER /1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.481/2017

... RESPONDENT / COMPLAINANT

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

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

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

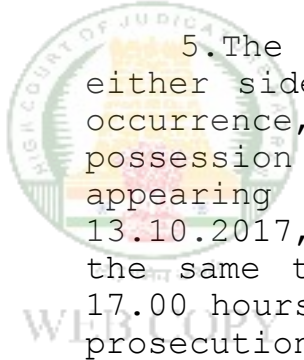
ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 13.10.2017 for the offences punishable under Section 8(c) r/w.20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.481 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.10.2017, as per secret information, the respondent police conducted a search on the petitioner's house and seized 27 bundles containing 60.110 kgs of ganja. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 13.10.2017 onwards. Hence, he prays for bail.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that on 13.10.2017, on the basis of secret information, the respondent police, conducted a search in the premises of the petitioner and seized 60.110 kgs of ganja and registered the case.



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 and three other accused were found in possession of 60.110 kgs of ganja. According to the learned counsel appearing for the petitioner, the arrest memo was preferred on 13.10.2017, at 14.15 hours after mentioning Crime No.481 of 2017, at the same time, the said F.I.R was registered on the same day at 17.00 hours. The said aspect creates suspicion over the case of the prosecution. In the above circumstances, even though the said suspicion is arose over the case of the prosecution, considering the fact that the petitioner is having another case, which was registered for the offence punishable under Section 4(1)(aaa) r/w.4 (1-A) of TNP and Sections 4,6,7 of Rectified Spirt Act, it shows that the petitioner is a habitual offender. Moreover at the time of occurrence, the sale amount of Rs.4,38,820/- was also recovered. So, considering the previous antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-
27/02/2018

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
2. THE OFFICER INCHARGE, SUB JAIL,
THIRUVARUR.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.2618 of 2018
Date :27/02/2018

MS/CSL/SAR.4/09.03.2018/2P.4C