



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.336 of 2018

MURUGAN @ KEERIPATTI MURUGAN ... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NIBCID, KANYAKUMARI,
(CRIME NO. 23/2014) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI 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 :-

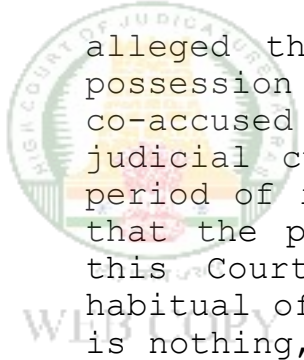
The petitioner / Accused No.1, who was arrested on 22.05.2017 for the offences punishable under Sections 8(c) r/w. 20 (b) (ii) (C) of NDPS Act, in Crime No.23 of 2014 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police conducted a raid along with his police party, the petitioner tried to escape from the clutches of the police. Thereafter, the respondent seized 28 Kgs of Ganja and registered a case against the petitioner and another for the offences stated above.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and only based on the confession of the co-accused viz., A2, he has been falsely implicated in this case. He further submitted that the petitioner did not commit any offence as alleged by the prosecution and he is in judicial custody from 22.05.2017 on P.T.Warrant.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner is having five previous cases of similar nature and investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. On going through the facts of the case, it is



alleged that at the time of occurrence, a person was found in possession of 28 Kgs of Ganja. Based on the confession given by the co-accused viz., A2, the petitioner was arrested and remanded to judicial custody on P.T. Warrant on 22.05.2017. Even though the period of incarceration is more than 7 months, considering the fact that the petitioner is having 5 previous cases of similar nature, this Court came to the conclusion that the petitioner is the habitual offender. Further, the offence committed by the petitioner is nothing, but against the Society. Considering the gravity of the offence committed by the petitioner, this Court is not inclined to grant bail to him. Hence, this Criminal Original Petition is dismissed.

sd/-
09/01/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT JUDGE
FOR PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 3 THE INSPECTOR OF POLICE, NIBCID, KANYAKUMARI,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SMN2/GNS
GJM/VC/SAR-3-17.1.18-2P-5C

ORDER
IN
CRL OP(MD) No.336 of 2018
Date :09/01/2018