



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3804 of 2018

ESWARAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CHOLAVANTHAN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.4 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.MAHENDRAN Advocate
For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

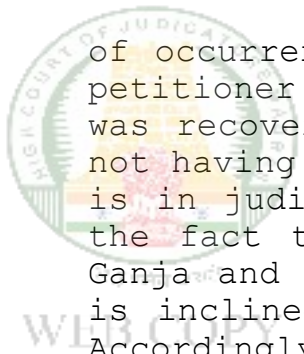
The petitioner/Accused No.1, who arrested and remanded to judicial custody on 03.01.2018 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.4 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police conducted routine vehicle check-up, at that time, the police party intercepted the motorcycle bearing Registration No.TN-59-AF-1033 in which the accused Nos.1 to 3 were riding and found that they were in possession of 26 Kgs of Ganja and recovered the contraband materials and arrested the accused. Hence, this 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 and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Therefore, he pleads bail for the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the contraband materials were recovered by the respondent police and the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time



of occurrence, the police party recovered 26 kgs of Ganja from the petitioner and other two accused, in which, 16 Kgs of Ganja alone was recovered from this petitioner. Admittedly, the petitioner is not having any previous case. He is the first offender. Moreover, he is in judicial custody from 03.01.2018 onwards. Hence, considering the fact that the petitioner was found in possession of 16Kgs of Ganja and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with some conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal Special Court for EC & NDPS Act Cases, Madurai;
- (ii) the petitioner shall report before the respondent police, daily at 10.00 a.m., until further orders;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall not commit any offence while on bail;
- (v) the petitioner shall not abscond either during investigation or trial;
- (vi) on breach of any of the aforesaid conditions, the bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

12/03/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.3899

ORDER IN

CRL OP(MD) No.3804 of 2018

Date :12/03/2018