



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.461 of 2018

KATHIR RAJA

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE
NIBCID, THENI POLICE STATION,
THENI DISTRICT.
(CRIME NO. 205/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SELVAKUMAR, 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 :-

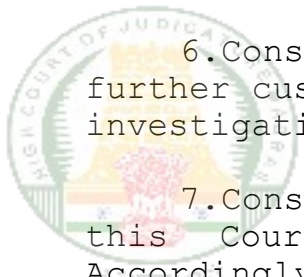
The petitioner / A1, who was arrested on 05.12.2017 for the offence punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act in Crime No.205 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of 10 kg contraband.

3.The learned counsel 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 05.12.2017 onwards.

4.The learned Government Advocate (Crl.side) submitted that part of the investigation is completed and the contraband material was also seized. He further submitted that the seized contraband is below the commercial quantity.

5.Submission made by the learned counsel on either side are considered. The petitioner was remanded to judicial custody on 05.12.2017 for the offence punishable under Sections 8(c), 20(b)(ii)(B) and 25 of NDPS Act. Admittedly, the petitioner is the first offender. It is alleged that during the time of occurrence, the petitioner was found in possession of 10 kgs of contraband. According to the prosecution, part of the investigation is completed and the alleged contraband material was also seized and the seized contraband is below the commercial quantity.



6.Considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the investigation.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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 Court, Madurai;

(ii)the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

(iv)the petitioner 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 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/-
11/01/2018

/ 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 COURT, MADURAI.
2. THE SUB INSPECTOR OF POLICE
NIBCID, THENI POLICE STATION, THENI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.574

ORDER IN
CRL OP(MD) No.461 of 2018
Date :11/01/2018

MS/PN/SAR.2/11.01.2018/2P.6C