



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.58 of 2018

AYYAM PILLAI

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI DISTRICT
(CRIME NO. 1589 OF 2017)

... RESPONDENT / COMPLAINANT

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

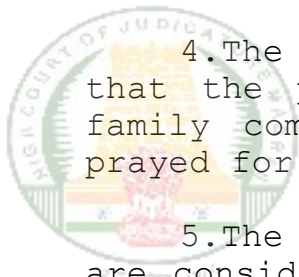
Reserved on : 24.01.2018

Delivered on : 30.01.2018

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 15.10.2017 for the offences punishable under Sections 8(c) r/w.20(b)(C), 25, 27(A) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.1589 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the basis of secret information, the respondent police conducted a raid at Sellur to Thathaneri Main Road, near E.S.I. Hospital. When the respondent police intercepted a vehicle bearing Registration No.TN-48-M-5577, the driver of the vehicle escaped from the scene of occurrence and one Karthick, the son of the petitioner was arrested with 225 Kgs of Ganja on the spot in the presence of independent witnesses. Based on the confession statement of the said Karthick, the petitioner was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has not committed any offence and he has been falsely implicated in this case. He further submitted that the respondent police have not recovered any contraband materials from the petitioner and therefore, he prays for



4.The learned Government Advocate (Criminal side) submitted that the petitioner is the professional offender and his entire family committed the offence of selling Ganja and therefore, he prayed for dismissal of the Criminal Original Petition.

5.The submissions made by the learned counsel on either side are considered. It is contended on the side of the petitioner that the respondent police have not recovered any contraband materials from the petitioner. Further, the respondent police have not followed the mandatory provisions laid in the NDPS Act. On the other hand, the learned Government Advocate (Criminal side) submitted that the petitioner is a professional offender and his entire family committed the offence of selling Ganja. Further, in this case, 225 Kgs of Ganja were recovered on the spot in the presence of independent witnesses. Hence, the petitioner is not entitled for the relief of bail. The submissions made by the learned Government Advocate (Criminal side) reveal that the petitioner was arrested and remanded to judicial custody on 15.10.2017 after getting PT Warrant. No such averment is made in the FIR that the petitioner was found in possession of contraband materials. However, only during the time of investigation, the involvement of the petitioner has to be identified. So far, the respondent police have not filed final report in this case. With regard to the other aspects, the learned counsel appearing for the petitioner did not dispute the fact that the petitioner being the habitual offender. Accordingly, considering the quantity of Ganja [225 Kgs], this Court is not inclined to grant bail to the petitioner at this stage. Hence, this Criminal Original Petition is dismissed.

sd/-
30/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI DISTRICT.
- 2 THE OFFICER IN CHARGE,
DISTRICT PRISON, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.RAMU Advocate SR.No.1533

ORDER IN
CRL OP(MD) No.58 of 2018
Date :30/01/2018