



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.60 of 2018

AYYAMPILLAI

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI DISTRICT,
CRIME NO.2031/2017

... RESPONDENT/ COMPLAINANT

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

Reserved on : 24.01.2018

Delivered on : 30.01.2018

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 15.10.2017 for the offences punishable under Section 8(c) r/w. 20(b)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.2031 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.10.2017, at 13.00 hours, when the respondent police are conducting the vehicle checkup nearby Kannan Departmental Store, Sellur, Vadiapatti Main Road along with his police party, intercepted a car bearing Registration No.TN-39-AD-999 and seized 21 Kgs of Ganja from the petitioner. Hence, a case has been registered for the offences stated above.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged and he has been falsely implicated in this case. He further submitted that the provisions of Sections 42, 50, 52-A and 57 of the NDPS Act have not been followed by the respondent police and prays for bail.

4.The learned Government Advocate (Criminal side) submitted that respondent police conducted the vehicle checkup nearby Kannan



Departmental Store, Sellur, Vadiapatti Main Road along with his police party, intercepted a car bearing Registration No.TN-39-AD-999 and seized 21 Kgs of Ganja from the petitioner. He further submitted that the petitioner is a history sheeted Ganja seller 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 alleged that on 14.10.2017 at 13.00 hours, when the respondent police conducted a vehicle check up near by Kannan Departmental Store, Sellur, the petitioner herein was found in possession of 21 Kgs of Ganja in a vehicle bearing Registration No.TN-39-AD-999. Thereafter, the case was registered against the petitioner. According to the case of the petitioner, provisions of Sections 42, 50, 52-A and 57 of the NDPS Act have not been followed by the respondent police. Since the mandatory provisions are violated, the petitioner is entitled to the relief of bail.

6.Now, considering the submissions made by the learned counsel appearing for the petitioner, if the respondent police has violated the mandatory provisions, it is the duty of the petitioner to show the documents pertaining to the violations made by the respondent police. Mere mentioning that mandatory provision is not followed is not a ground for allowing this Criminal Original Petition. So, this Court comes to the conclusion that the submissions made by the learned counsel appearing for the petitioner are not substantiated with documents. Hence, this Criminal Original Petition is dismissed.

sd/-
30/01/2018

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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 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE OFFICER INCHARGE, DISTRICT PRISON, DINDIGUL

+1. CC to M/S.M.RAMU Advocate SR.No.1535

SMN2
GJM/RR/SAR-2-1.2.18-2P-5C

ORDER
IN
CRL OP(MD) No.60 of 2018
Date :30/01/2018