



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.695 of 2018

JEYABASS

... PETITIONER / 2nd ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NIB CID, DINDIGUL, DINDIGUL DISTRICT.
(CRIME NO.127 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

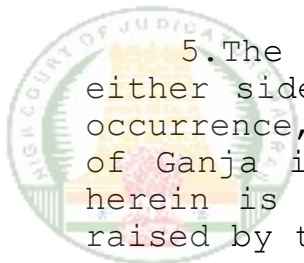
ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who was arrested on 13.09.2017 for the offence under Sections 8(c) r/w.20 (b) (ii) (C) and 25 of NDPS Act, in Crime No.127 of 2017, 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 their police party, the petitioner and other accused were intercepted and found in possession of 75 kg of Ganja in a Car. Therefore, the respondent police registered a case as against the petitioner and he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and and he has been falsely implicated in this case. He further submitted that the respondent recovered the contraband and produced it before the concerned Court belatedly. Hence, the respondent police did not follow the procedures laid down in the NDPS Act.

4.The learned Government Advocate(Criminal Side) submitted that the quantity of contraband involved in this case is very huge i.e., 75 kg and he is the seller. Furthermore, if he is released on bail, there is every possibilities to the accused to involve in the same nature of offence. Hence, he vehemently opposed to grant bail to the petitioner.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner and another one accused transported 75 kg of Ganja in a car. According to the prosecution, the petitioner herein is the seller of the contraband materials. The contention raised by the learned counsel appearing for the petitioner that the property recovered by the respondent police was not immediately handed over to the Court concerned. On the other hand, the learned Government Advocate appearing for the State represented that the property was immediately handed over to the concerned Magistrate and it is ordered to remand. Only as per the direction given by the learned Magistrate, the property was handed over to the Special Court constituted for the said offence situated in Madurai. Accordingly, as per the submission made by the learned Government Advocate (Crl.side) that the prosecuting agency had followed the mandatory provisions made in the NDPS Act. So, this case comes under the category of 37 (b) of NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

05/02/2018

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

TO

- 1 THE INSPECTOR OF POLICE,
NIB CID, DINDIGUL, DINDIGUL DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.695 of 2018

Date :05/02/2018

MKV-RR-CSL-SAR 3/15.2.2018/2P-4C