



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

Wednesday, the Eleventh day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5127 of 2018

MANIKANDAN @ ELANIMANI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THANJAVUR WEST POLICE STATION, THANJAVUR,
(CRIME NO. 51/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAJAPRABU Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

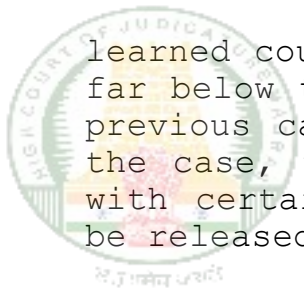
The petitioner is the sole accused. He was arrested and remanded to judicial custody on 09.02.2018 for the offences punishable under Section 8(c) r/w 20(B)(II)(b) of NDPS Act in Crime No.51 of 2018, on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that based on secret information, on 09.02.2018 at about 00.15 hrs., the police party went on a raid and found that the petitioner was found in possession of 2.250 Kilograms of Ganja. Therefore, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is not having any previous case under the NDPS Act and that the contraband in this case is far below the commercial quantity. He further submitted that the petitioner was arrested in some other case and he came out on bail on 08.02.2018 and immediately the present case has been foisted on him and prays for bail in favour of the petitioner.

4.The learned Government Advocate(Criminal Side) has strongly opposed the grant bail to the petitioner on the ground that there are number of IPC offence cases are pending against the petitioner.

5. This Court went through the facts of this case and it appears that there is substance in the apprehension voiced by the



learned counsel for the petitioner. The contraband in this case is far below the commercial quantity. The petitioner is not having any previous case under the NDPS Act. Taking note of the background of the case, this Court is inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Additional District & Sessions Judge/Special Judge Under E.C. Act Cases, Thanjavur.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) the petitioner shall not abscond.

(iv) 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/-
11/04/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE /
SPECIAL JUDGE UNDER E.C.ACT CASES, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
THANJAVUR WEST POLICE STATION, THANJAVUR,
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAJAPRABU Advocate SR.No.5864

ORDER IN
CRL OP(MD) No.5127 of 2018
Date :11/04/2018