



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

Thursday, the Tenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7610 of 2018

VIJAYAKUMAR

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSEPCTOR OF POLICE,
NIBCID, THENI.
CRIME NO. 219 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.NA.MANIMARAN, Advocate

For Respondent : M/S.M.ASOKAN, Government Advocate(Crl.Side)

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

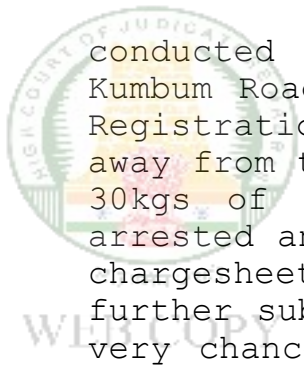
ORDER : The Court Made the following order :-

The petitioner/sole accused who was arrested and remanded to judicial custody on 26.12.2017 for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii), (C) and 25 of NDPS Act, 1985 in Crime No.219 of 2017, on the file of the respondent police, seeks bail.

2.The case against the petitioner is that the petitioner was found in possession of 120 kgs of Kanja.

3.On the side of the petitioner, it is stated that the petitioner is falsely implicated in this case and the respondent police did not follow the mandatory provision under Sections 42, 50, 52(A) and 57 of NDPS Act. It is stated that though the search was made on information, the police personnal failed to send information to the higher authorities which is mandatory under Section 42 of the NDPS Act. It is further stated that the sample Kanjas are not taken in the presence of the gazette Officer as per the mandatory provision under Section 52(A) of NDPS Act. He submitted that the petitioner has already filed two anticipatory bail petitions and the same were dismissed as withdrawn. The petitioner is in custody from 26.12.2017. It is further stated that in similar case in Crl.O.P. (MD)No.2708 of 2018 dated 13.03.2018, this Court has already released some accused on bail.

4.On the side of the respondent, it is stated that on 26.12.2017, based on secret information, the respondent and his men



conducted vehicle check up near Veerapandi Bypass Birivu, Theni-Kumbum Road, at about 08.10 a.m., the petitioner's vehicle bearing Registration No.AP 31 CY 4732 was intercepted. The petitioner ran away from the place of occurrence and the police recovered 9 bags of 30kgs of kanja (total 271 Kgs). Thereafter, the petitioner was arrested and remanded to judicial custody and it is stated that the chargesheet is already filed before the concerned Court. He would further submit that the accused belongs to Karnataka and there is a very chance for him to abscond and if he is released on bail, he will indulge in similar offence. He vehemently oppose to grant bail to the petitioner.

5.Records perused. The petitioner belonged to Karnataka. From the vehicle bearing Registration No.AP 31 CY 4732, the respondent police seized 9 bags of 30kgs (270 kgs) of kanja and the contraband which was seized from the petitioner is of commercial quantity. The points raised by the learned counsel appearing for the petitioner on violation of Sections 42, 50, 52(A) and 57 of NDPS ACT can be decided only after the completion of the trial and these points cannot be considered at this stage. Considering the facts and circumstances of the case and also considering the objection raised on the respondent side, this Court is not inclined to grant bail to the petitioner. Hence, this criminal original petition is dismissed.

sd/-
10/05/2018

/ TRUE COPY /

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

TO

- 1 THE INSEPCTOR OF POLICE,
NIBCID, THENI.
- 2 THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7610 of 2018
Date :10/05/2018

MS/PN/RNB/15.05.2018/2P.4C