



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.7621 of 2018

GUNJI VENKATA SANJEEVA

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NIBCID, MADURAI,
MADURAI DISTRICT.
(CRIME NO. 226 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.RAMU, 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 02.11.2017 for the alleged offences punishable under Sections 8(c) r/w. 20(b)(ii), (C) and 25 of NDPS Act, 1985 in Crime No.226 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 52 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 and 52(A) 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 He submitted that the petitioner has already filed two anticipatory bail petitions and the same were dismissed as withdrawn.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 02.11.2017. It is further stated that in similar case in Crl.O.P. (MD) Nos.11384 and 11244 of 2017 dated 08.09.2017, this Court has already released some accused in bail.



4. On the side of the respondent, it is stated that on 02.11.2017 based on secret information, the respondent and his men conducted vehicle check up near Ayyapatti, Madurai-Trichy Bypass Road, at about 08.15 a.m., the petitioner's vehicle bearing Registration No.AP 10 P1175 Hyundai Accent Car was intercepted. The petitioner ran away from the place of occurrence and the police recovered 58 kgs of kanja. 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 Andhra Pradesh and there is a very chance for him to abscond and if he 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 Andhra Pradesh. From the vehicle bearing Registration No.AP 10 P1175 Hyundai Accent Car, the respondent police seized 52 kgs of kanja and the contraband which was seized from the petitioner which is commercial quantity. The points raised by the learned counsel appearing for the petitioner regarding violation of Sections 42, 50 and 52(A) 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 INSPECTOR OF POLICE,
NIBCID, MADURAI, MADURAI 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.7621 of 2018
Date : 10/05/2018

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