



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.7646 of 2018

HARISH MANGALI

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
NIBCID, DINDIGUL
(CRIME No.177 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.RAMU Advocate

For Respondent : MR.K.SUYMABULINGA BHARATHI,
Government Advocate(Crl.side)

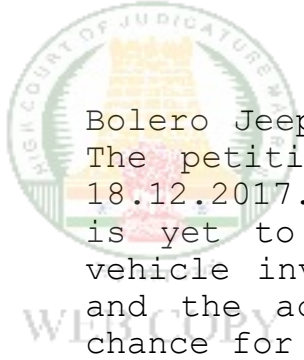
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The case against the petitioner is that on 18.12.2017 the petitioner was found transporting six bags each containing 25 kilos of ganja, in his vehicle bearing registration No.AP-9-BX-3084 Bolero Jeep.

2.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 personnel 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 ganjas are not taken in the presence of the Gazette Officer as per the mandatory provision under Section 52(A) of NDPS Act. The petitioner is in custody from 17.12.2017. 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.

3.On the side of the respondent, it is stated that on 17.12.2017 based on a secret information, when the respondent and his police party conducted vehicle check up near Pichay Madurai Road, Rajakkapatti Junction at 9.45 am, they found that the petitioner's vehicle bearing registration No.AP-9-BX-3084



Bolero Jeep is containing 6 bags each containing 25 kilos of ganja. The petitioner was arrested and remanded to judicial custody on 18.12.2017. It is stated that charge sheet was filed and the same is yet to be taken on file. It is further submitted that the vehicle involved in this case is registered in Andra Pradesh State and the accused belongs to Telungana State. Hence, there is a chance for him to abscond, if he released on bail and he may involve in similar offences and the bail petition is vehemently opposed by the respondent.

4. Records perused.

5. The petitioner belonged to Telungana State. The police has seized 150 kilos of ganja, which is commercial quantity. The points raised by the learned counsel appearing for the petitioner regarding violation of Sections 42, 50 and 52A of NDPS Act can be decided only after the completion of the trial and could not be considered at this stage.

6. Considering the facts and circumstances of the case and also considering the objections raised on the side of the respondent, this Court is not inclined to release the petitioner on bail. 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, DINDIGUL
- 2 THE SUPERITENDENT
CENTRAL PRISON, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP(MD) No.7646 of 2018
Date :10/05/2018

SMA/PN/ASVM/14.05.2018:2P/4C