



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

Monday, the Twenty Ninth day of October Two Thousand Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18617 of 2018

ANNADURAI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPPATTINAM DISTRICT.
CRIME NO.139 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 15.06.2018 for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) of N.D.P.S Act, 1985, in Crime No.139 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 15.06.2018, under the secret information that some persons were carrying narcotic ie. Ganja, the respondent police conducted raid and they found that the petitioner along with others are in possession of 20.500 kg of ganja. Hence, the case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner and others were found in possession of 20.5 kg of ganja and he has been arrested on 15.06.2018 at about 6.50 hours. However, as per the intimation issued by the respondent police, the case has been registered only at about 12.30 hours on 15.06.2018 as against the petitioner and other accused persons. But, the arrest intimation contains the Crime No.139 of 2018. He would further submit that any of the procedure laid down under NDPS Act has not been followed by the respondent. Further, he would submit that the petitioner is in incarceration from 15.06.2018. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and others were intercepted by the respondent police and found in possession of 20.5



kgs of ganja and immediately, he has been issued search memo and conducted search and he has been arrested and remanded to judicial custody on the same day and the investigation is pending and he is yet to file the charge sheet.

5. The petitioner is arraigned as Accused No.2. Admittedly, the petitioner is arrested on 15.06.2018 at about 6.50 hours, but the arrest intimation contains the crime No.139 of 2018, whereas, the FIR has been registered on 15.06.2018 only at 12.30 hours. Therefore, this Court is of the view that the case of the prosecution is not believable one. Further, the petitioner was arrested on 15.06.2018 and considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner with certain 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 and Sessions Judge, Presiding Officer and Special Court for E.C.Act, Cases, Thanjavur.

(ii) the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

sd/-
29/10/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE, PRESIDING OFFICER AND
SPECIAL COURT FOR E.C. ACT CASES, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
VEDARANYAM POLICE STATION,
NAGAPPATTINAM DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.20488

ORDER
IN
CRL OP(MD) No.18617 of 2018
Date :29/10/2018