



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

Monday, the Twentieth day of August Two Thousand Eighteen

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PRESENT

**The Hon`ble Dr.Justice G.JAYACHANDRAN**

**CRL MP (MD) No.5730 of 2018**

**IN**

**CRL A (MD) No.326 of 2018**

UDAYAN @ UDAYASURIYAN

... PETITIONER/APPELLANT/ACCUSED (SOLE)

Vs

THE STATE REPRESENTED BY,  
THE INSPECTOR OF POLICE  
CHECKANURANI POLICE STATION,  
MADURAI DISTRICT,  
CRIME NO.23/2012

... RESPONDENT/RESPONDENT/COMPLAINANT

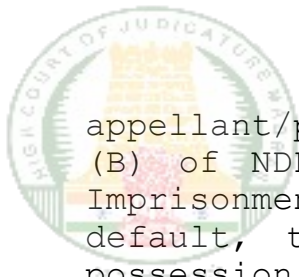
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed by the Learned Principal Sessions Judge for EC & NDPS Act Cases, Madurai in C.C.No.274/2013 dated 10/07/2018 pending the disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.PONMANOHARAN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

Heard the learned counsel appearing for the petitioner and Mr.A.Robinson, learned Government Advocate (Criminal side) appearing for the respondent.

2. Learned counsel appearing for the appellant/petitioner would submit that, the prosecution has miserably failed to comply with the mandatory rules prescribed in the N.D.P.S.Act under Sections 50 and 57 and also submitted that, the case property was not sent to the Special Court immediately, but, after a delay of four months.

3. Cumulatively, the case of the prosecution has not been properly established. However, the trial Court has over looked the lapses in the investigation and had convicted the



appellant/petitioner for offences under Section 8(c) r/w 20(b)(ii) (B) of NDPS Act and sentenced him to undergo two years Rigorous Imprisonment and fine of Rs.3,000/- (Rupees Three Thousand only), in default, to undergo three months Simple Imprisonment for proven possession of 5.5 kgs of Ganja.

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4. Learned counsel appearing for the petitioner has raised certain arguable points which would entail his acquittal, if found meritorious in the Appeal. The quantity of contraband is an in between quantity, where the maximum punishment under the Statute is 10 years Rigorous Imprisonment.

5. Learned Government Advocate (Criminal Side) while opposing the bail application of the petitioner would submit that, the petitioner has a very bad antecedent and four more cases are pending against him in similar nature.

6. Taking note of the rival submissions made by the both the counsel and grounds of Appeal, this Court is of the view that, the petitioner's suspension of sentence may be granted by releasing him on bail on stringent conditions:-

(i) The appellant/petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of Principal Special Court for E.C. & N.D.P.S. Act Cases, Madurai and

(ii) The appellant/petitioner shall appear before the trial Court, on the first working day of every English Calendar month until further orders.

Accordingly, this Criminal Miscellaneous Petition is ordered.

sd/-  
20/08/2018

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SESSIONS JUDGE  
FOR E.C. & NDPS ACT CASES, MADURAI

2 THE INSPECTOR OF POLICE  
<https://hcservices.ecourts.gov.in/hcservices/>  
CHECKNURANI POLICE STATION,  
MADURAI DISTRICT.



3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI

4 THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. C.C. to MR.P.PONMANOHARAN, Advocate SR.No.15778

ORDER  
IN  
CRL MP (MD) No.5730 of 2018  
IN  
CRL A (MD) No.326 of 2018  
Date :20/08/2018

PK/VR/SAR-1/23.08.2018 : 3P/6C