



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

Thursday, the First day of November Two Thousand Eighteen

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PRESENT

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

CRL OP(MD) No.15252 of 2018

SUKUMARAN

... PETITIONER / 1st ACCUSED

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT.
(IN CRIME NO. 139 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.V.RAJASEKARAN 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) r/w 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 secret information that some persons were carrying narcotic ie. Ganja, the respondent police conducted a raid and they found that the petitioner along with others were 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 20.500 kgs of ganja. 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 the NDPS Act, had not been followed by the respondent. Further, he would submit that the petitioner is in incarceration from 15.06.2018 onwards. Hence, he prays for bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor appearing for the



respondent would submit that the petitioner and others were 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. The investigation is pending and yet to file the charge sheet.

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5. Admittedly, the petitioner was 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/-

01/11/2018

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

TO

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

+1. CC to M/S.A.V.RAJASEKARAN Advocate SR.No.20929
PS/VR-MMS/SAR-3/01/11/2018:2P/6C

ORDER

IN

CRL OP(MD) No.15252 of 2018

Date : 01/11/2018