



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

Wednesday, the Tenth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.14869 of 2018

POOLI THEVAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
(CR. NO.114/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

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

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

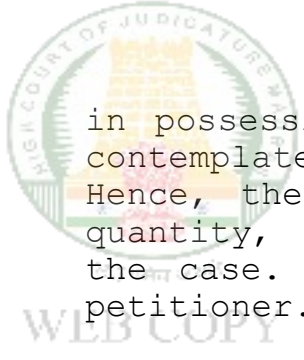
ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 22.05.2018 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, in Crime No.114 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that based on the secret information given by the informant, the respondent police conducted a check-up in the backside of the petitioner's house, at that time, the petitioner had illegally kept the ganja of 21 kgs. Hence, he was arrested and remanded to judicial custody.

3.The learned counsel appearing for the petitioner would submit that the seized contraband is 21 kgs of ganja and it was not reached the Court, which violates the provisions of Sections 52 and 55 of NDPS Act. He further submitted that the petitioner is an H.I.V patient and still he is taking treatment in the prison hospital. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent filed a counter and stated that the petitioner was found



in possession of 21 kgs of ganja. It is a commercial quantity as contemplated in the notification issued U/s 2 of the NDPS Act, 1985. Hence, the quantity involved in the crime comes under commercial quantity, Section 37 of the NDPS Act would squarely applicable to the case. Hence, he vehemently opposed the grant of bail to the petitioner.

5. It is seen from the records that the Prison Medical Officer, Prison Hospital, Central Prison, Madurai has given a current medical status report of the petitioner, which reads as follows:

" MEDICAL REPORT OF REMAND PRISONER NO.8194 POLITHEVAN
S/O.KARUPPATHEVAN"

This is to certify that Remand Prisoner No.8194 Polithevan, S/o.Karuppathevan admitted in this prison on 22.05.2018 evening on the next day morning. As per the prison norms regular medical checkup is available as such on 23.05.2018 morning, Remand Prisoner No.8194 Polithevan was examined and suspected to HIV and hence the blood samples are taken by ICTC Prison Hospital, Madurai and that prisoner's report is HIV- positive. In continuation on 25.05.2018, sputum sample of the prisoner was taken and sent to medical college regarding, TB check up and the report result in (MTB not detected) Negative. On 26.05.2018, the patient was sent to ART Centre at GRH Madurai. The ART Medical officer opinion is to start the ART drugs same day. On 06.06.2018 the prisoner had a complaint of bleeding -PR drugs and hence he was referred to GRH Madurai for further management for this prisoner. The above prisoner was admitted in GRH Madurai on 06.06.2018 and discharged on 07.06.2018 from GRH Madurai and re-admitted at prison hospital on the same day evening. On 08.06.2018 ART Medical Officer advice to take X-Ray Chest regarding Fibrosis of lungs, report wise ART Medical Officer is referred for CT-Chest Scan done. Report is awaited. As per the GRH Specialist Doctor opinion viz to fix Barium Enema. On 11.06.2018, the prisoner sent to GRH Madurai and Barium Enema done on 13.06.2018. Report shows normal study. So, at present patient on ART treatment is going on. Now, patient is stable.

6. Considering the above medical report of the petitioner and also considering the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following 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 Judge (FAC)/Principal Special Court for EC & NDPS Act cases, Madurai.



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

sd/-
10/10/2018

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL DISTRICT JUDGE
(FAC)/PRINCIPAL SPECIAL COURT FOR EC&NDPS
ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.19361

ORDER
IN
CRL OP(MD) No.14869 of 2018
Date :10/10/2018

JM/PN/SAR 1/10.10.2018/3P/6C