



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20338 of 2018

S.PERUMAL

... PETITIONER / A1

Vs

THE INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE,
MADURAI

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.JEGANATHAN Advocate

For Respondent : MR.C.ARUL VADIVEL @ SEKAR,
SPECIAL PUBLIC PROSECUTOR FOR NCB

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

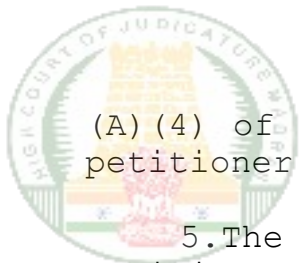
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 04.07.2018 for the offence punishable under Sections 8 (c) r/w 22 (c) 27-A, 28 and 29 of the N.D.P.S.Act, 1985 (as amended), in NCB F No.48/1/08/2018-NCB/MDU, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the respondent herein has seized 107100 Nos of pale orange colour Becalm 0.5 Alprazolam tablets I.P. 0.5 mg assumed to be weighing 10.71 kgs and 97 Nos of K COD syrups containing Codeine Phosphate from M/s Siva Sri Medicals, Gandhiji Road, Madurai - Theni Main Road, Theni on 03.07.2018 from the possession of the petitioner.

3.On 04.07.2018, the petitioner had appeared before the respondent and given statement. Thereafter, he was arrested and produced before the concerned Judicial Magistrate and the petitioner is in confinement from 04.07.2018.

4.The contention of the petitioner is that the petitioner had completed only fifth standard and he has no workable knowledge with regard to the medicines and he was only a basic servant and he would to do what have his owner asks him to do. The contraband was seized in the upstairs of the Medical shop which is owned by the owner of the building who is the Medical shop owner and not the petitioner. The petitioner is in confinement for 146 days. Further, Section 36



(A) (4) of the Act will not be applicable in this case and hence the petitioner is entitled for statutory bail.

5.The learned Special Public Prosecutor submits that the petitioner has given voluntary statement under Section 67 of NDPS Act in his own hand writing and signed it. This statement is admissible statement as per the Act. The quantity of the contraband is commercial quantity which are used by the school and college going students as a psychotropic substances, which are killing young society. And has strongly objected to grant bail to the petitioner. He also stated that the bail application filed by one Kubendiran in this case in Crl.O.P.(MD).No.16591 of 2018 was dismissed by this Court on 13.11.2018.

6.The learned counsel for the petitioner submitted that the petitioner is entitled for statutory bail under Section 167 (2) Cr.P.C. The petitioner may be directed to approach the Trial Court to avail indefeasible right if accrued to him.

7.The learned Special Public Prosecutor submits that in view of Section 36 (A) (4), the petitioner's right would accrue only after 180 days.

8.Considering all above facts, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal original petition is dismissed.

sd/-

26/11/2018

/ TRUE COPY /

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

TO

1 THE INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE, MADURAI

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI

3 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR. ARUL VADIVEL @ SEKAR Advocate SR.No.22168

+1. CC to M/S.C.JEGANATHAN Advocate SR.No.97125

ORDER IN

CRL OP(MD) No.20338 of 2018

Date :26/11/2018