



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

Friday, the Twenty Third day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.16641 of 2018

RAJENDRAN

... PETITIONER / ACCUSED NO. 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
VEDARANYAM POLICE STATION,
NAGAPPATTINAM DISTRICT.
CRIME NO. 146 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner / A2, who was arrested by the respondent police on 22.06.2018, for the offences punishable under Sections 8(C) r/w.20(b)(ii), (C) of NDPS Act, 1985, in Crime No.146 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.06.2018, the respondent Police, on receipt of secret information, had went to a house, located at East side of Panakattu Street, Fisherman Village, Arukattuthurai and found two persons viz., Vetrivel / A1 and Rajendran/A2 found some pockets in Polythene cover. On seeing the police party, the said persons attempted to flee away and they caught hold by the respondent police and seized the pockets, containing 2.500 Kgs of Ganja, totally weighing 20.500 Kgs.

3. Mr.K.M.Karunakaran, the learned counsel appearing for the petitioner would submit that eventhough the petitioner has been arrested on 22.06.2018 at 10.30 p.m., the case was registered only on 23.06.2018 at 1.15 a.m., In the arrest memo, crime number was shown, which would clearly falsify the case of the prosecution, since the crime number is given after FIR is filed. Further, the petitioner has been languishing in jail from 23.06.2018. The petitioner has no previous instances. The petitioner is ailing from respectable family and he is willing abide by any condition.



4. Mr.K.Suyambulinga Bharathi, the learned Government Advocate (crl.side) appearing for the respondent, on instructions, would submit that on 22.06.2018, the respondent Police, on receipt of secret information, had went to a house, located at East side of Panakattu Street, Fisherman Village, Arukattuthurai and found two persons viz., Vetrivel / A1 and Rajendran/A2 found some pockets in Polythene cover. On seeing the police party, the said persons attempted to flee away and they caught hold by the respondent police and seized the pockets, containing 2.500 Kgs of Ganja, totally weighing 20.500 Kgs. On completing the legal formalities, the police checked and found Ganja kept in each pocket containing 2.500 Kgs of Ganja, totaly weighing 20.500 Kgs and they were seized. In this case, totally thee persons were arrayed as accused and all the three persons were arrested on 23.06.2018 and were remanded to judicial custody. He also submitted that the seized contraband is commercial quantity and the investigation is still pending and therefore, he strongly objects for grant of bail to the petitioner.

5. Considering the submissions made on either side and also taking note of the fact that the seized contraband viz., Ganja, is commercial quantity, which had been neatly and serially packed, which would show the well planned act of the accused, and the investigation is still pending, and that the points raised by the petitioner regarding compliance of formalities has to be gone into only during evidence and cannot be looked into at this stage. Hence, this Criminal Original Petition is dismissed.

sd/-
23/11/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
VEDARANYAM POLICE STATION, NAGAPPATTINAM DISTRICT
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHIRAPPALLI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.K.M.KARUNAKARAN Advocate SR.No.21992

ORDER
IN
CRL OP(MD) No.16641 of 2018
Date :23/11/2018