



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

Tuesday, the Twentieth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.17824 of 2018

SANKAR (SANKAR GANESH)

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY:

THE INSPECTOR OF POLICE

EAST POLICE STATION, KUMBAKONAM,

(CRIME NO. 252 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.MANIKANDAN Advocate

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

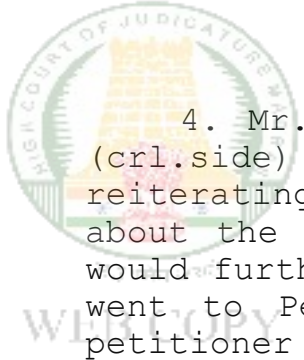
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested by the respondent police on 15.09.2018, for the offences punishable under Sections 8(C) r/w.20 (b)(ii), (B) of NDPS Act, in Crime No.252 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.09.2018, based on a secret information, the police went to Perumandi Jeyapal Saw Mill in Kumbakonam and found the petitioner was carrying a bag in his head and on seeing the Police, the petitioner flee away from the spot, leaving the gunny bag. On search, 18 Kgs of Ganja was found in the gunny bag, which was left by the petitioner.

3. Mr.V.Manikandan, the learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution. Even assuming for the sake of argument that the petitioner was in possession of 18 Kgs of Ganja, it is inbetween quantity. The mandatory provisions of the NDPS Act, were not followed. Therefore, he prayed for bail, in favour of the petitioner.



4. Mr.K.Suyambulinga Bharathi, the learned Government Advocate (crl.side) appearing for the respondent has filed a counter reiterating the contention of the FIR, seizure memo, confession and about the conditions enumerated under Section 37 of NDPS Act. He would further submit that based on a secret information, the police went to Perumandi Jeyapal Saw Mill in Kumbakonam and found the petitioner was carrying a bag in his head and on seeing the Police, the petitioner flee away from the spot, leaving the gunny bag. On search, 18 Kgs of Ganja was found in the gunny bag, which was left by the petitioner. He also submitted that the petitioner is a habitual offender, having 6 previous cases out of which one case is pertaining to NDPS Act. The investigation in this case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is a habitual offender, having 6 previous cases out of which, one case pertaining to NDPS Act and the investigation in this case is still pending, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition stands dismissed.

sd/-
20/11/2018

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

TO

- 1 THE INSPECTOR OF POLICE
EAST POLICE STATION,
KUMBAKONAM
- 2 THE OFFICER INCHARGE, SUB JAIL,
PAPANASAM.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.17824 of 2018
Date :20/11/2018

MSI/JC/SAR-I/29.11.2018-2P/4C