



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

Thursday, the First day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1233 of 2018

PRAVEEN KUMAR,

... PETITIONER/1st ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
NIB CID, MADURAI
(CRIME NO.205/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.POORNACHANDRAN Advocate

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

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

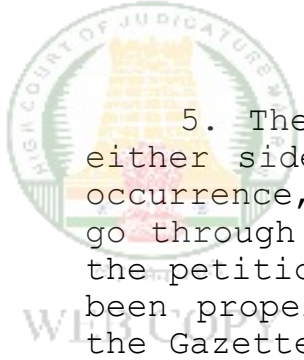
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who arrested and remanded to judicial custody on 13.12.2017 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 29(1) and 25 of NDPS Act, in Crime No.205 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.12.2017, while the police party conducted regular vehicle check up, they intercepted the car driven by the petitioner and found that the petitioner was in possession of 78 Kgs of Ganja in his car bearing Registration No.AP-07-S-0011. Hence, this case has been registered against the petitioner for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case. Therefore, he pleads bail for the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that the contraband materials were recovered by the respondent police and the investigation is in progress.



5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner found possession of 78 kgs of Ganja. On go through the submission made by the learned counsel appearing for the petitioner that the search made by the respondent police had not been properly intimated. Further, he has not been produced before the Gazetted Officer, as per the provisions under Section 50 of NDPS Act, for which the learned Government Advocate (Criminal side) representing the State clearly stated that the petitioner is the resident of the Telungana State. Hence, at the time of arrest in the presence of one Telugu knowing person, namely, Soundarapandian, the process of search has been properly intimated to the petitioner. In order to show his bonafideness, the learned Government Advocate (Criminal side) produced the CD file. On verification of CD file, it is clear that before making search, the petitioner herein was properly intimated. So, submission with regard to the violation of Section 50 of NDPS Act is not substantiate through the documents. Further more, the matter of violating the mandatory provisions have to be identified only during the time of trial. Now, considering the fact that the petitioner belonged to the State of Telungana, if bail is granted to the petitioner, there will be a chance for abscondance. According to the prosecution, as of now, investigation is not completed. Hence, considering the gravity of offence committed by the petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

01/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
NIB CID, MADURAI
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP(MD) No.1233 of 2018

Date :01/02/2018

SMA/RR-CSL/SAR-2/16.02.2018:2P/4c

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