



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1938 of 2019

SIVAKUMAR @ VALAIPALA SIVA

... PETITIONER / ACCUSED No.5

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.97 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JAYAPAL Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

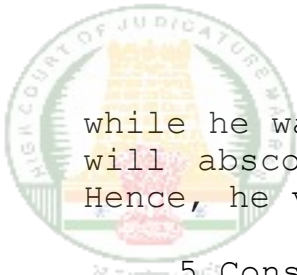
ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 28.03.2018 for the offences punishable under Sections 8 (c) r/w 20(b) (ii) (c) of NDPS Act in Crime No.97 of 2018 on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that while the respondent police was patrolling with police team on 17.02.2018 at about 06.15 p.m., the petitioner was transporting 150 kgs of Ganja as illegally. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the allegation levelled against the petitioner is false. Accordingly, the petitioner prayed for bail. The learned counsel for the petitioner further contended that the petitioner is ready to abide by any of the conditions that is to be imposed by this Court.

4.The learned Additional Public Prosecutor would submit that the contraband totally 150 kgs were recovered from the petitioner



while he was transporting the same and if he is released on bail, he will abscond and again he will involve in same kind of offence. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the contraband recovered from the petitioner, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed. The learned Principal Special Court for EC and NDPS Act Cases, Madurai is directed to dispose of the case in C.C.No.247 of 2018 within a period of six months from the date of receipt of a copy of this order.

sd/-
06/02/2019

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
EC AND NDPS ACT CASES, MADURAI
- 2 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP(MD) No.1938 of 2019
Date :06/02/2019

MSI/VR/SAR-III/14.02.2019-2P/5C