



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

Monday, the Seventeenth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.6736 of 2019

CHANDRAN

... PETITIONER / ACCUSED NO.5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.112 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.VENKATESAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

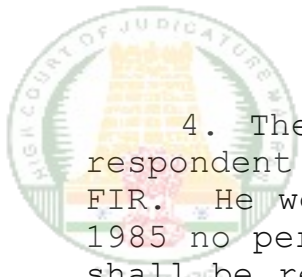
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no. 5 seeking bail for the alleged offence under Section 8(c) r/w.20(b) (ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic substances Act.

2. Heard both sides

3. The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in the above case. He would further submit that the petitioner was arrested and remanded to judicial custody on 07.06.2018 and he is in custody. He would further submit that the petitioner was not all present in the scene of occurrence and only based on the confession statement given by the co-accused this petitioner was implicated. Except this there are no other materials to implicate the petitioner herein. He would further submit that the mandatory provisions under Section 42(1) of the NDPS Act, was not followed. Further, the FIR clearly shows that the respondent Police created the false case. The secret information, under Section 42 of NDPS Act, has not been sent to the higher authorities. Search was not conducted in the presence of independent witness or gazetted office. Hence he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has filed a counter reiterating the contention of the FIR. He would also submit that as per Section 37 of the NDPS Act, 1985 no person accused for offences involving in commercial quantity shall be released on bail unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and he is not likely to commit any offence while on bail. He would also submit that there are nine previous cases pending against the petitioner, out of which he was convicted for six previous cases. He would also submit that investigation in this over and charge sheet has been filed before the concerned Court. Hence he opposed for grant of bail.

5. On perusal of the documents, apparently there is no violation of the statutory procedures and also considering the fact that there are nine previous cases pending against the petitioner, out of which he was convicted for six previous cases and those cases were registered under NDPS Act and also Considering the seizure of Ganja, which is of commercial quantity and also considering the fact that charge sheet has been filed this Court is not inclined to grant bail to the petitioner. The discrepancy with regard to the document, about timing and crime number are concerned, it is for the petitioner to raise the same during trial.

6. In the result, this Criminal Original Petition stands dismissed. However, there shall be a direction to the Principal Sepcial Court for EC and NDPS, Madurai to complete the trial within a period of three months from the date of a receipt of a copy of this order.

sd/-

17/06/2019

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

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EC AND NDPS,
MADURAI.

2 THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+3 CC to M/s.R.VENKATESAN, Advocate (SR-9790[I] dated 17/06/2019)

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ORDER

IN

CRL OP(MD) No.6736 of 2019

Date :17/06/2019

JM/VR/SAR 3/20.06.2019/3P/8C