



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

Thursday, the Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22151 of 2018

RAAJAJI

... PETITIONER/ACCUSED

Vs

THE SUPERINTENDENT OF CUSTOMS,
DIVISIONAL PREVENTIVE UNIT,
CUSTOMS DIVISION, BEACH ROAD,
TUTICORIN.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.G.PALANIKUMAR, Advocate

For Respondent : MR.ARUL VADIVEL @ SEKAR,
Special Public Prosecutor for Customs Cases

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

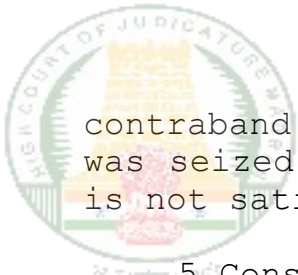
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 10.08.2018 for the offence punishable under Sections 8 (c) , 20 (C), 28 and 29 r/w 23 of N.D.P.S.Act, in O.R.No.1 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has connived with A1 to transport Ganja from Tuni (Andhra Pradesh) to Thoothukudi for the purpose of transporting the same to Sri Lanka. Based on the source of information the Law Enforcing Agency intercepted the petitioner's Car and recovered the contraband weighing about 104.390 Kilo grams of Ganja on 09.08.2018. Hence, the complaint.

3.The learned for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The contraband was recovered from only A1. The petitioner is arrayed as A2 and he is only the driver of the car. Accordingly, he prayed for bail.

4.The learned Additional Public Prosecutor would submit that the contraband is commercial quantity and the investigation reveals that the accused person were coming from Madurai to transport the



contraband to Sri Lanka. He further submitted that the contraband was seized under Mahazar and the learned counsel for the petitioner is not satisfying the requirement under Section 37 of NDPS Act.

5. Considering the materials seized in this case and since the learned counsel for the petitioner is not satisfying the requirement under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal original petition stands dismissed.

sd/-
07/02/2019

/ TRUE COPY /

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

TO

- 1 THE SUPERINTENDENT OF CUSTOMS,
DIVISIONAL PREVENTIVE UNIT,
CUSTOMS DIVISION, BEACH ROAD, TUTICORIN.
 - 2 THE SUPERINTENDENT,
CENTRAL PRISON, MDURAI
 - 3 THE SPECIAL PUBLIC PROSECUTOR FOR CUSTOMS CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.G.PALANIKUMAR, Advocate SR.No.2586
+1. CC to Mr.C.ARUL VADIVEL @ SEKAR, Advocate SR.No.2599

ORDER
IN
CRL OP(MD) No.22151 of 2018
Date :07/02/2019

TM
PK/PN/SAR-1/13.02.2019 : 2P/6C