



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2019

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PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10479 of 2019

SenthilKumar, ... Petitioner/Sole Accused

Vs

The state rep by
The Inspector of Police,
West Police Station, Kumbakonam,
Thanjavur District.
Crime No.105 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Ma.Karunanithi,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For bail petition filed in Cr.No.105/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/Sole Accused seeking bail for the alleged offence punishable under Section 22(C) of NDPS Act, 1985, in Crime No.105 of 2019

2.The case of the prosecution is that on 08.04.2019 at about 8.00 a.m when the respondent police was on surveillance at ten feet bridge in Kamban Nagar near Railway track, the petitioner was found in possession of 750 grams diazepam powder in a yellow colour polythene bag. Hence, he was arrested and the said contraband was



seized and sample was also taken and thereafter he brought to the respondent police station and FIR has been registered in Crime No.105 of 2019 under Section 22(C) of NDPS Act, 1985.

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3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that the petitioner is in custody from 08.04.2019 (I.e. for the past four months). He further submitted that though it is stated that the FIR was registered on 08.04.2019 at about 10.30 a.m, in the arrest memo and also in the Seizure Mahazar, crime number has been mentioned and that would show that in the alleged time and place, the petitioner could not have been arrested and therefore, he prayed to grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor has submitted that on 08.04.2019 at about 8.00 a.m, on secret information, the respondent police was on surveillance at ten feet bridge in Kampan Nagar near railway track, the petitioner was standing with one yellow colour polythene bag and he was enquired and made search in the said bag and it was found that 750 grams diazepam powder in the said bag. He further submitted that the said quantity comes under the category of commercial quantity. He further submitted that the said contraband has been seized and thereafter the petitioner was brought to the police station and FIR was registered at 10.30 a.m. He further submitted that after arresting the petitioner, the respondent being the inspector of Police, contact the police station and after ascertaining the last crime number, he has mentioned the crime number in the Seizure Mahazer. He further submitted that only after registering the FIR, arrest memo has been prepared and hence crime number has been mentioned in the arrest memo. There is no irregularity in preparing Seizure Mahazar and arrest memo. He further submitted that the petitioner is already having three previous cases under NDPS Act and therefore, he



strongly opposed this petition.

5. Taking into consideration of the submission made by the learned Additional public Prosecutor that the petitioner was found in possession of 750 grams diazepam powder which comes under the category of commercial quantity and also the submission made by the learned Additional Public Prosecutor that after arresting the petitioner, the respondent contacted the police station and after ascertaining the last crime number, he has mentioned the crime number in the seizure mahazer and after registering the FIR only arrest memo has been prepared by mentioning the crime number and also the fact that already three previous cases under NDPS Act are pending against the petitioner, this Court is of the view that the petitioner has not made out a case for getting bail.

6. Hence, this criminal original petition is dismissed.

sd/-
07/08/2019

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

TO

- 1 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY
- 2 THE INSPECTOR OF POLICE
WEST POLICE STATION, KUMBAKONAM,
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10479 of 2019
Date : 07/08/2019

KM/PN/SAR-II (21.08.2019) 3P 4C