



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.17091 of 2018

B.KARTHIKEYAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
NIBCID TUTICORIN POLICE STATION.  
IN CRIME NO.34 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.NIRANJAN.S.KUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,  
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

[Orders Reserved on **19.12.2018**]

The petitioner / A2, who was arrested by the respondent Police on 04.08.2018, for the offences punishable under Sections 8(c), 20 (b)(ii)(C) and 29 (1) of NDPS Act, 1985, in Crime No.34 of 2018, on the file of the respondent, seeks bail.

2. The case of the prosecution is that on 02.08.2018, on the basis of secret information, that one Cabril Wilson was keeping Norcotic stuff in his shipping company namely Nisi Impex, the respondent police informed the same to the higher officials and then the respondent police along with the Village Administrative Officer, Meelavittan Panchayat and the Village Assistant went to the spot for inspection. On inspection the respondent police found one person and on enquiry they came to know that he is one Karthikeyan and the respondent police enquired him about the owner namely Cabrial Wilson and he stated that he went out and therefore the respondent police searched the shipping company and found seven gunny bags of narcotics substances namely Charas. First bag contains 60Kgs pf Charas, second bag contains 76.750 kg of Charas and the third bag contains 77.150kgs of Charas, fourth bag contains 71.600 kgs of Charas, fifth bag contains 71.850 kgs of Charas, Sixth bag contains 81.100 kgs of Charas, seventh bag contains 27.950kgs of



charas , totally 466.400kgs of Charas. Thereafter the respondent police registered a case and also seized the contrabands.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Government servant, working in the Agriculture Department as Office Assistant having unblemished service carrier and he has no black marks till date. He would further submit that he had developed friendship with A1 and he used to visit A1's shop after his work and occasionally consumes liquor with the company of A1 or consume individually. On 02.08.2018 at 10.00 p.m when he was consuming alcohol at A1's premise, few police came to shop and started searching the said premises and informed that they are Sipcot police. The learned counsel, in support of his contention, has relied on the Judgment of the Hon'ble Supreme Court in State of **Punjab Vs. Balbir Singh** reported in **(1994 (3) SCC 299)**; in **Union of India Vs Shiv Shaker Kesari** reported in **(2007) 7 Supreme Court Cases 798**; in **Mushtaq Ahmad Malik-vs- State of J&K** reported in **2012(3) Crimes 190 (J&K)**

4. Mr.K.Suyambulinga Bharathi, learned Government Advocate (crl.side) appearing for the respondent has filed a counter reiterating the contention of the FIR, Charas in seven bags totally 1051 Nos of Charas weighing 466.400 Kgs of Charas were seized in this case. 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. Hence he opposed for grant of bail.

5. The information under Section 42, Search, arrest card, arrest memo, and confession, 57 Report, Search Report, Form-95, and Final Report were produced before the Court and persued.

6. This Court on going through the records, statements and confession found that this petitioner who is involved in having commercial quantity of Charas in huge volume and the first accused is yet to be apprehended, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

sd/-

03/01/2019

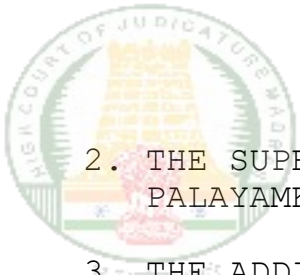
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1. THE INSPECTOR OF POLICE,  
NIBCID TUTICORIN POLICE STATION.



2. THE SUPERINTENDENT, CENTRAL PRISON,  
PALAYAMKOTTAI.

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

+1. CC to Mr. NIRANJAN.S.KUMAR Advocate SR.No.100

ORDER

IN

CRL OP (MD) No.17091 of 2018

Date : 03/01/2019

**MS/VR/SAR-3/04.01.2019/3P.5C**