



WEB COPY

CRL OP(MD) . No.10579 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10579 of 2019

Ganesh,

... Petitioner/Sole Accused

Vs

State rep by its
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
Crime No. 197 of 2019.

... Respondent/Complainant

For Petitioner : M/s.S.Ramasamy,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 197 of 2019 on the file of the
Respondent Police.

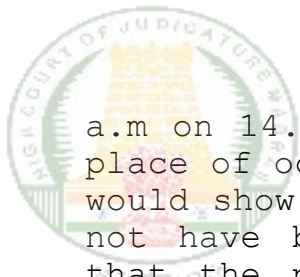
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ sole accused
seeking bail for the alleged offence under Sections 22(c) of
Narcotic Drugs and Psychotropic Substances Act, 1985

2. Heard both sides

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in the
above case. He further submitted that as per the First Information
Report, the First Information Report has been registered at 07.30

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



a.m on 14.07.2019 but in the mahazhar prepared at 06.00 a.m in the place of occurrence, crime number has been mentioned and that itself would show that at the relevant point of time the petitioner could not have been arrested with the contraband. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 14.07.2019 and from that date onwards he is in custody. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 14.07.2019 on secret information, when the respondent police was on surveillance at Sembodai ARR Municipality Ground, the petitioner came with yellow colour hand bag and on search of the said bag it was found that the petitioner was in possession of 750gm of Diazepam powder and for the possession of the same the petitioner has not given any satisfactory explanation and also not having any licence and hence he was arrested at 05.30 a.m. He further submitted that the said Diazepam powder was seized under mahazhar at 06.00 a.m and subsequently he was brought to the police station and First Information Report was registered at 07.30 a.m., He further submitted that since the respondent/Inspector of Police, he knows the last crime number and hence he has mentioned the crime number in the seizure mahazhar and there is no irregularity in mentioning the crime number in the mahazhar. He further submitted that the petitioner is already having one previous case under Prohibition Act and two cases under IPC cases. Hence he strongly opposed to grant bail to the petitioner.

5. By way of reply, the learned counsel for the petitioner has submitted that in the previous cases, the petitioner was already on bail and the present case is a false case and therefore he prayed to grant bail to the petitioner.

6. In the First Information Report, it is stated that on 14.07.2019 on receiving secret information at about 05.00 a.m, when the respondent police was on surveillance at Sembodai ARR Municipality Ground the petitioner came with yellow colour hand bag and on search, the said bag contains 750 gms of Diazepam powder and the petitioner has not given any satisfactory explanation for possession of the said powder and also has not produced any licence. Hence he was arrested at 05.30 a.m and contraband was also seized at 06.00 a.m under mahazhar. There is no explanation from the petitioner with regard to the allegation that he was in possession of 750 gms of Diazepam powder which comes under the category of commercial quantity.

6. Taking into consideration of the aforesaid facts and also the submission made by the learned Additional Public Prosecutor that since the respondent/Inspector of Police knows the last crime number he has mentioned the crime number in the seizure mahazhar which was prepared on the spot and also the fact that the petitioner has not



given any satisfactory explanation for the possession of the aforesaid contraband and also the fact that there are three previous cases pending against the petitioner, this Court is of the view that the petitioner has not made the case for getting bail.

7. Hence this petition is dismissed.

sd/-
19/08/2019

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.10579 of 2019
Date :19/08/2019

aav
AE/PN/SAR-III (27.08.2019) 3P 4C