



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

Date : 19/08/2019

PRESENT

The Hon'ble Justice P.RAJAMANICKAM

CRL OP(MD) . No.11347 of 2019

Saravanan

... Petitioner/Accused No.1

Vs

State rep.by,
The Inspector of Police,
Kumbakonam, West Police Station,
Thanjavur District
Crime No. 158 of 2019.

... Respondent/Complainant

For Petitioner : M/s. P.R. Prithiviraj,
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. 158 of 2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1
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 even as per the First
Information Report, the petitioner has just driven the motor cycle
bearing Reg.No.68 5582 and A2 was riding as pillion rider and only
from A2 contraband was seized. He further submitted that without
knowing the fact that A2 was carrying the contraband the petitioner
gave lift to him. He further submitted that the petitioner herein



was arrested and remanded to judicial custody on 04.06.2019 and from that date onwards he is in custody and by this time investigation might have been completed. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 04.06.2019 at about 15.00 hrs on secret information, when the police party was on surveillance on the bank of Arasalaru near burial ground the petitioner herein was driving a two wheeler bearing Reg.No. 68 5582 and A2 was a pillion rider and that the police team intercepted the said vehicle and it was found that A2 was carrying a bag in which 750gm of Diazepam powder was there. He further submitted that in the confession given by A2, he has clearly stated that both of them went to karaikal through the aforesaid two wheeler and purchased Diazepam Powder and hence it can be presumed that both of them were in joint possession of contraband. He further submitted that seven previous cases under Prohibition Act is pending and in all those cases he was convicted. Therefore he strongly opposed to grant bail to the petitioner.

5. As per the First Information Report, on 04.06.2019 at about 15.00 hrs the police party was on surveillance on the bank of Arasalaru near burial ground the petitioner herein was riding a two wheeler bearing Reg.No.TN 68 5582, in which A2 was riding as a pillion rider. Further it is stated that A2 was in possession of one yellow colour hand bag and the said bag contains 750 gms of Diazepam powder and hence both the accused were arrested and the contraband was seized. Further in the confession statement given by A2, he has clearly stated that both the accused went to Karaikal through the aforesaid two wheeler and purchased the contraband .

6. Taking into consideration of the aforesaid facts and also the fact that the aforesaid 750 gms of Diazepam powder comes under the category of commercial quantity and also the fact that the petitioner is having seven previous cases under Prohibition Act and in all those cases he was convicted, this Court is of the view that the petitioner has not made out 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.

+1. CC to M/S. P.R. PRITHIVIRAJ Advocate SR.No.13840

ORDER

IN

CRL OP (MD) No.11347 of 2019

Date :19/08/2019

aav

PK/JC/SAR-4/22.08.2019 : 3P/5C