



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

Date : 09/09/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12252 of 2019

R.Ganesan

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Pattiveeranpatti P.S.
Dindigul District
Crime No. 214 of 2018.

... Respondent/Complainant

For Petitioner : M/s.M.Kalaiselvan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

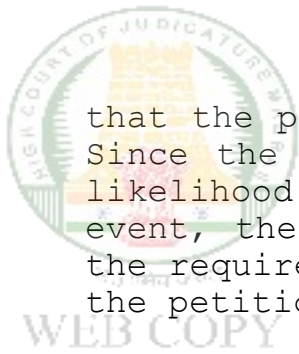
For Bail in Crime No. 214 of 2018 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner is in custody since 24.09.2018 for the offences
under Sections 8(c) r/w 20(b), (2) (c) and 25 of NDPS Act.

2.The quantity involved is 20.800 kilo grams of Gancha. It is
a commercial quantity. Therefore, he has to satisfy the
requirements set out in Section 37 of NDPS Act.

3.The learned counsel appearing for the petitioner submitted
that the petitioner is the sole accused in Crime No.214 of 2018,
registered on the file of the respondent. The petitioner is aged
about 43 years and he is not having any previous case. The
petitioner was intercepted at Rengarajapuram Colony near
Singarakottai - Chithoor Road at about 09.30 a.m. on 24.09.2019 and
FIR was registered at about 01.30 p.m. on the same same day. But
then, in the arrest memo, arrest intimation and arrest card the
crime number is mentioned. This leads to *prima facie* conclusion



that the petitioner cannot be guilty of in the offence in question. Since the petitioner is not having any previous case, there is no likelihood of the petitioner repeating the offence also. In any event, the petitioner is in custody for more than one year. Since the requirements set out under Section 37 of NDPS Act are satisfied, the petitioner is entitled for the relief of bail.

4.The learned Government Advocate(Crl. Side) opposed the grant of bail by pointing out that the petitioner's earlier bail petition was dismissed on 11.02.2019. But then, it is seen that the points now canvassed were not projected before this Court. Hence, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Principal Special Court for EC & NDPS Act Cases, Madurai.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
09/09/2019

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE,
FOR EC & NDPS ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT



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

+1 CC to M/s.M.KALAI SELVAN, Advocate(SR-15113[I] dated 09/09/2019)

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ORDER IN
CRL OP(MD) No.12252 of 2019
Date :09/09/2019

IAS
ES/PN/SAR 4/09.09.2019/3P/6C