



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

Date : 19/12/2019

PRESENT

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

CRL OP(MD). No.17572 of 2019

SAKTHIVEL

... PETITIONER/ACCUSED NO.6

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
THOOTHUKUDI.
(IN CRIME NO.137/2019).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. Ramachandra Pradeep,
Advocate.

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

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

PRAYER :-

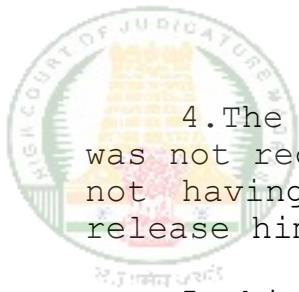
for bail in Crime No.137 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 30.08.2019 for the offences punishable under sections 8(C), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, in Crime No.137 of 2019 on the file of the respondent police. He seeks bail.

3.The petitioner's counsel submitted that the recovery of the contraband was on 21.08.2019 from one Venkadachalam. The petitioner is not at all figuring in the FIR. The petitioner was arrested later based on the pure suspicion.



4.The petitioner's counsel would point out that the contraband was not recovered from the petitioner's premises. The petitioner is not having any previous case. Hence, he wanted this Court to release him on bail.

5.This contention is strongly opposed by the learned Government Advocate (Crl.side).

6.I carefully considered the rival contentions. The contraband in question was recovered on 21.08.2019 following the interception of one Venkadachalam at Aathoor to Sernthapoomangalam Main Road. The quantity of ganja is 294 kgs. Venkadachalam confessed that he had taken the contraband from Ravi. The said Ravi was arrested on 29.08.2019. He also gave a confession. In his confession, he had stated that the ganja was transported from Thiruthuraipoondi in a Zylo Car. Enroute, it was kept in the factory premises of the petitioner herein. In fact, Ravi, who has been shown as A6, had specifically stated that the petitioner herein namely Sakthivel would also help to stack and arrange the contraband. From the factory premises of the petitioner herein, the contraband was transported by one Ravi and Muruganantham and another person. It was handed over to one lakshmanan. He had also stated that transactions were effected through the bank account of the petitioner herein.

7.Thus, at the stage of investigation, in view of the availability of these materials, I am not in a position to give a finding that the petitioner is not likely to have committed the offence in question. Of-course, the petitioner is not having any previous case. The second limb of the Section 37 of the NDPS Act is satisfied. But then, the first limb is not satisfied at this stage. Therefore, this criminal original petition stands dismissed. The petitioner is at liberty to renew this application, after the final report is filed.

sd/-
19/12/2019

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

TO

1 THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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



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

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ORDER
IN
CRL OP (MD) No.17572 of 2019
Date :19/12/2019

RMI
JM/VR/SAR 2/06.01.2020/3P/4C