



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/03/2020
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4196 of 2020

Andi

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Subramaniapuram Police Station,
Madurai,
Cr.No.288 of 2019.

... Respondent/Complainant

For Petitioner : M/s.M.Jagadeesh Pandian,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.288 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petition for bail for offence under Section 8(c) r/w.20(b) (ii)(C) and 25 and 29(i) of NDPS Act.

2. The petitioner herein along with other accused persons were found in possession of Ganja in two gunny bags weighing 11Kg and 10 Kg respectively. The two wheeler and the contraband were seized and the petitioner and other accused were arrested on 14.06.2019. Alleging that the respondent police has not followed mandatory provisions of Section 42 of NDPS Act and personal search was not conducted as per Section 50 of NDPS Act, seeks bail for violation of mandatory provisions.

3. Further the petitioner submits that the samples for chemical analysis was not taken as per Section 52(A) of the ACT.



4. The learned Additional Public Prosecutor would submit that there is no violation of Section 42 or Section 50 of the NDPS Act. Recovery was done in a public place. Two gunny bags totally 21Kg of ganga in the two wheeler were seized from the possession of the accused persons. The case has been registered and on completion of investigation matter is posted for framing of charges. If the petitioner is released on bail, he may not be available for trail.

5. Considering the submission made by the learned Additional Public Prosecutor, this Court is of the view that total weight of the contraband seized falls under the commercial quantity and if the petitioner is released on bail, he may not be available for trial. Alleged violation of mandatory provisions *prima facie* not made out, however it is subject matter for trial. Hence this Court is not inclined to consider the bail petition since *prima facie* materials are available as against the accused.

6. Hence the bail petition stands dismissed.

sd/-
06/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE
SUBRAMANIAPURAM POLICE STATION,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4196 of 2020
Date :06/03/2020