



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.4202 of 2020

Ammasi, ... Petitioner/Accused(Sole)

Vs

State represented by
The Inspector of Police,
NIB CID, Trichy, Trichy District ,
Crime No.65 of 2019. ... Respondent/Complainant

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

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

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

PRAYER :-

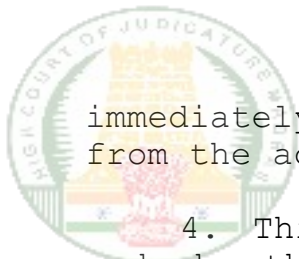
For Bail in Crime No.65 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

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

2. The case of the prosecution is that the petitioner was found in possession of 22kg of Ganja. Prior information was recorded and as per Section 42 (2) the police team proceeded near Bhel's Ground, Trichy and interrogated the accused who was standing with white colour plastic fertilizer near Bhel's Ground. After explaining to him about his right under Section 50 of NDPS Act search was conducted . After completing the formalities, the accused was arrested for possessing commercial quantity of Ganja

3. According to the petitioner, information was not properly recorded and forwarded to the immediate superior within time prescribed . Further there is violation of Section 50 of NDPS Act. Since there are mandatory violation in the case of the prosecution, the petitioner is entitled for bail. Further the learned counsel for the petitioner submit that contraband was not produced to the Court



immediately which causes suspicion about recovery of contraband from the accused persons.

4. This Court in order to verify whether the above statement made by the counsel for the petitioner is correct, perused the CD file and this Court finds that prior information given by the informant has been recorded by the Inspector of Police, NIB CID, Trichy. The accused has been explained about his option under Section 50 of NDPS Act before conducting personal search and the contraband has been produced before the Special Court for NDPS Act, Pudukottai on 25.02.2020.

5. No doubt the contraband has been produced before the Special Court after two months, the seizure with *per se* does not give impression that the petitioner is innocent. While *prima facie* case for prosecution is made out, the twin condition imposed under Section 37 of the NDPS act gets attracted in case of possession of Narcotic and Psychometric substance exceeds commercial quantity.

6. Hence the bail petition stands dismissed. Since the petitioner is confined in prison, the trial Court is directed to expedite the trial and complete the same as expeditiously as possible.

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 ADDITIONAL DISTRICT SESSIONS JUDGE/
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDHUKOTTAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
NIB CID, TRICHY, TRICHY DISTRICT.

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

+1 CC to M/s.S.RAMASAMY, Advocate (SR-4929[I] dated 06/03/2020)

ORDER
IN
CRL OP(MD) No.4202 of 2020
Date :06/03/2020

aav

<https://hcservices.gov.in/ncservices/> (06.03.2020) 2P 6C