



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

Date : 14/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

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CRL OP(MD) . No.6072 of 2020

The State Rep.by
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
(Crime No.127 of 2020).

... Petitioner/Respondent

Vs

Prabhu,
S/o.Mari,
Thinayathur Thiruvadanai Taluk,
Ramanathapuram District.

... Respondent/A1

For Petitioner : Mr.KR.Bharathi Kannan
Government Advocate (Crl. Side)
For Respondent : No appearance

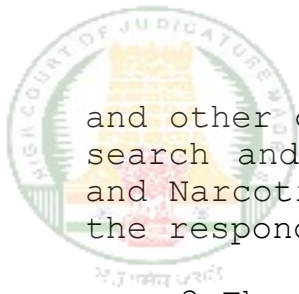
PRAYER :-

Petition to cancel the bail granted to the respondent/accused (A1) in Crl.M.P.(MD) No.453 of 2020 on the file of the Special Court for EC and NDPS Act Cases, Pudukkottai dated 06.05.2020

ORDER : The Court made the following order :-

This petition has been filed to cancel the bail granted to the respondent/accused (A1) in Crl.M.P.(MD) No.453 of 2020 on the file of the Special Court for EC and NDPS Act Cases, Pudukkottai dated 06.05.2020.

2.Totally there are three accused in this case, in which, the petitioner arraigned as A1. The case of the prosecution is that the petitioner has received an information from one Tr.Saravanan, Sub Inspector of Police, Thondi Police Station, stating that one youngster viz., Sadam Hussain S/O Sulthan, who consumed excessive Psychotropic-Drugs- sleeping tablets, for his addiction, due to which, he was in an unconscious stage and admitted in the hospital, and those tablets were purchased by him from the first accused's medical shop. The first accused was selling such as Psychotropic and Narcotic Medicines in huge quantities without any permission and also without any prescription of Doctors. On 28.04.2020, the petitioner and his team went to the shop of the first accused and found that he was selling huge quantities of medicines for two other



and other officials have also entered into the medical shop and made search and seized huge quantities of Drugs containing Psychotropic and Narcotic Medicines. Hence, the crime has been registered against the respondent and others.

3.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the learned trial judge failed to consider the objection raised by the prosecution side and granted bail to the first accused within 8 days from the date of his arrest. He further submitted that the trial Court expressed his opinion that the prosecution failed to produce the materials to show that A2 and A3 had purchased the Drugs from the respondent's medical shop. He further submitted that even on the date of arrest itself, the respondent seized huge quantities of Drugs from the respondent's medical shop. In fact, the petitioner has seized Ganja from the respondent's medical shop. The person, who consumed the said drugs purchased from the respondent herein, died, while in treatment, only due to drugs used by him. Therefore, the respondent has committed very serious offence and also some more persons got admitted to the hospital and they are also in unconscious stage and in serious condition.

4.Though notice was served on the learned counsel for the respondent, today, no one has appeared on behalf of the respondent by person or through pleader.

5.Heard Mr.KR.Bharathi Kannan, learned Government Advocate (Crl. Side) appearing for the respondent Police.

6.On perusal of the records, it is seen that on 28.04.2020, the respondent Police have seized Psychotropic and Narcotic Medicines from the respondent's medical shop and also recovered a sum of Rs.9,250/-, for which, the above medicines were sold out by the respondent. While being so, the court below expressed his opinion that the prosecution failed to produce any proof to show that the drugs recovered from A2 and A3 were purchased from A1.

7.Since the respondent has committed very serious offences, he is not at all entitled for bail. Now the investigation is still pending and the custodial interrogation of the respondent is very much required in this case. Further, the respondent herein is selling Psychotropic Narcotic Drugs to youngsters and students in the society in the name of medical shop. So far, one person died and as such the court below ought not to have granted bail to the respondent. Therefore, the bail granted by the court below, is liable to be cancelled.

8.Accordingly, this criminal original petition is allowed and the bail, granted to the respondent in Crl.M.P.No.453 of 2020, by the Special Court for EC and NDPS Act cases, Pudukkottai, is

<https://hccases.judis.gov.in/Hccases/>



proceed in accordance with law. Bail bond, if any, executed by the respondent/A1 shall stand cancelled.

Sd/-

Assistant Registrar (CSIII)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.The Judge Special Court
for EC and NDPS Act Cases,
Pudukkottai.
- 2.The Inspector of Police,
Thondi Police Station,
Ramanathapuram District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.6072 of 2020
Date : 14/10/2020

KG(CO)
KB(03.11.2020) 3P 4C