



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

Date : 25/06/2020

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.6288 of 2020

Vadivel ... Petitioner/Accused(Single)

Vs

The State rep. by
The Inspector of Police,
N.I.B. C.I.D., Police Station,
Thoothukudi District Cr.No.27 of 2019.

... Respondent/Complainant

For Petitioner : M/s. R.Anand,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

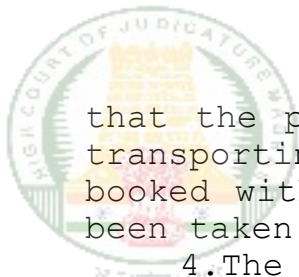
For Bail in Crime no.27 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner, who is the sole accused and who was arrested and remanded to judicial custody on 04.04.2019 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of NDPS Act in Crime No.27 of 2019 on the file of the respondent police, seeks bail.

3.The case of the prosecution is that on 04.04.2019 at about 09.30 a.m., when the respondent police was in the Station, she received an information to the effect that the petitioner through his two wheeler was carrying Ganja. After reducing the same into writing, the defacto complainant along with her sleuth went to the spot namely, ie., Mappilaurani Vilakku and found that the petitioner through a vehicle by name Honda Activa 3G had come. Immediately, he was intercepted and on search, she found that there is a gunny bag carried through bike. Immediately, after explaining his right with regard to the compliance of Section 50 of NDPS Act, he was examined and put under search in which she came to understand



that the petitioner, without therebeing any authorization had been transporting Ganja to the weight of 21.5 kgs. Immediately, he was booked with a criminal case and the contraband so seized, has also been taken to the police station.

4.The learned counsel appearing for the petitioner submitted that as he was not wearing helmet, this false case has been foisted against him and further submitted that mandatory provisions contemplated under the Act in connection with the seizure of the contraband and material substance are not followed and it is yet another statistical case, wherein 21.5 kgs alleged to have been seized, which is an unbelievable story.

5.The learned Additional Public Prosecutor appearing for the respondent states that there is no previous case pending against the petitioner, however, would contend that the property seized is a commercial quantity and pre-conditions contemplated under Section 37 of NDPS Act are not satisfied, hence, opposed for grant of bail.

6.In reply, the learned counsel appearing for the petitioner submitted that the petitioner is suffered illness and taking treatment in the Government Hospital and hence, on medical ground his plea for bail may be considered.

7.On perusal of the materials placed before this Court, it is seen that on 04.04.2019, the petitioner was riding two wheeler namely, Honda Activa 3G bearing Registration No.TN 69 AP 4843, which was intercepted by the police and the police said to have seized two bags, one bag containing 10 kgs of Ganja and the second bag containing 11.500 kgs of Ganja. After perusing the material and also taking note of the fact that 21.5 kgs., of Ganja is of commercial quantity, though there was no previous case, however, the conditions contemplated under Section 37 of NDPS Act being not satisfied, I am not inclined to grant bail to the petitioner.

8.In this view of the matter, this Criminal Original Petition for bail stands dismissed for the present with liberty to move at a later point of time. The finding rendered above is only for the purpose of this case.

sd/-
25/06/2020

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



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 INSPECTOR OF POLICE
N.I.B. C.I.D., POLICE STATION,
THOOTHUKUDI
- 2 THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6288 of 2020
Date :25/06/2020

PD/VR/SAR 3/29.06.2020/3P/4C