



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

Date : 17/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7328 of 2020

Rajasekar

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Taluk Police Station,
Kumbakonam.
Crime No. 696/2020.

... Respondent/De Juri Complainant

For Petitioner : Mr.R.Prakash,
Advocate.

For Respondent : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 696 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 19.05.2020, for the offences punishable under Sections 8(c), 22(c) of the NDPS Act, 1985, in Crime No.696 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 19.05.2020 at about 05.10 hours, on receiving a secret information, the respondent Police intercepted the petitioner/accused along with other accused carrying a yellow bag containing 500 gms of DIAZEPAM, which is Narcotic Drugs. The said drug was seized under a mahazar and thereafter, sample has been taken and the petitioner and other accused were arrested. Thereafter, the petitioner and the contraband were brought to the police station and the police registered a case in Cr.No.696 of 2020 under Sections 8(c), 22(c) of the NDPS Act, 1985, and there were remanded to judicial custody.



3.The learned counsel appearing for the petitioner the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that nothing has been recovered from the petitioner. That apart, the mandatory requirement under Section 50 of NDPS Act has not been complied with. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor opposed the bail petition submitted that on receiving secret information, the respondent police found that the petitioner and other accused carrying a yellow bag containing 500 gms of DIAZEPAM, which is commercial quantity. He further submitted that the mandatory provision has been complied with and there is no reasonable ground to believe the petitioner that he was not guilty of the offence. He further submitted that the petitioner is having two previous cases and therefore, he prayed to dismiss this petition.

5.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records it is seen that the petitioner was found in possession of 500 gms of DIAZEPAM drugs, which is commercial quantity. Admittedly, the contraband recovered from the bag, which was carried by the petitioner. Further, the provision of Section 50 of NDPS Act is not applicable in this case. That apart the provision of Section 42 of NDPS Act is also followed in this case and there is no other reason to believe that the petitioner was not guilty of the offence and the petitioner is already having two previous cases. Considering the above circumstances and there is no reasonable ground to grant this petition, I am not inclined to grant bail to the petitioner.

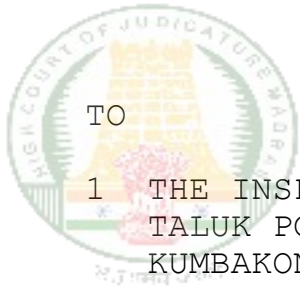
6.Accordingly, this criminal original petition is dismissed.

sd/-
17/08/2020

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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,
TALUK POLICE STATION,
KUMBAKONAM.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7328 of 2020

Date :17/08/2020

vsg

AE/PN/SAR-III (20.08.2020) 3P 4C