



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

Date : 19/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7423 of 2020

Muthukrishnan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Koombur Police Station,
Dindigul District.
Crime No.554 of 2020

... Respondent/Complainant

For Petitioner : Mr.RM.Arun Swaminathan,
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.554 of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

Totally there are two accused in this case. The petitioner/A2 was arrested and remanded to judicial custody on 21.06.2020 for the alleged offence under Sections 8(c) r/w 20(b) II (A) and 25 of NDPS Act, in Crime No.554 of 2020 on the file of the respondent police. Hence, he seeks bail.

2.The case of the prosecution is that on 21.06.2020, on receiving a secret information, the police intercepted an Auto bearing Regn.No.TN-47-K-3031, which came from Karur towards Dindigul. When the Police stopped the said Auto and found that the petitioner along with A1 were in possession of 8 kgs of ganja. The said ganja was seized under a mahazar and thereafter, sample has been taken and the petitioner and A1 were arrested. Thereafter, the petitioner, A1 and the contraband and the said auto were brought to the police station and the police registered a case in Cr.No.554/2020 under Sections 8(c) r/w 20(b) II (A) and 25 of NDPS Act and they were remanded to judicial custody.



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

4. The learned counsel appearing for the petitioner submitted that the petitioner is only the driver of said Auto. A1 in this case has engaged the said Auto. During the vehicle check up, the contraband was found in the petitioner's Auto, which was carried by A1, containing 8kgs of Kanja. He further submitted that the petitioner has not involved in this case. Hence, he prayed for grant of bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent police opposes this bail application. He submitted that the petitioner along with A1 were found in possession of 8 kgs of Kanja and both the accused with knowledge transported the contraband. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioner is only an Auto driver and A1 in this case travelled in the said Auto with contraband. When the said Auto was searched by the respondent Police, the contraband was found and thereafter, after completing all formalities, both the accused were arrested. The quantity recovered from the accused is 8 kgs of Kanja, which is inbetween quantity and the petitioner is not having any bad antecedents. Considering the above circumstances, I am inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Principal Special Court for EC & NDPS Act Cases, Madurai.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the petitioner/A2 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/08/2020

/ TRUE COPY /

/08/2020
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 PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.
- 2.THE INSPECTOR OF POLICE,
KOOMBUR POLICE STATION,
DINDIGUL DISTRICT.
- 3.THE OFFICER INCHARGE,
SUB JAIL, PALANI.
- 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7423 of 2020
Date :19/08/2020

VSG
TK/JC/SAR.2/20.08.2020/3P/5C