



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.8395 of 2020

Sudhakar

... Petitioner/Accused No.4

Vs

The State Rep. by
The Inspector of Police,
NIB CID, Madurai.
Cr.No. 130 of 2019

... Respondent/Complainant

For Petitioner : M/s.C.Ezhilarasu, Advocate

For Respondent : Mr.K.R.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.130 of 2019 on the file of the respondent Police.

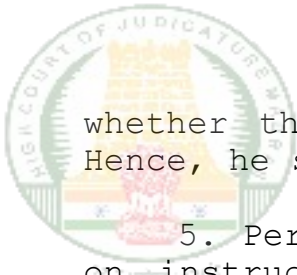
ORDER : The Court made the following order :-

The petitioner who is arrayed as A-4 was arrested and remanded to judicial custody by the respondent police on 22.12.2019 for the offences punishable under Sections 8(c) r/w 20(b), (ii)(c), 25, 27A & 29(1) of NDPS Act.

2. The case of the prosecution is that the petitioner/A4 was found in possession of 38 Kg of Ganja in the car bearing Regn No.TN-22-AZ-6919. Hence, the crime was registered. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he is driver of the car and he has no knowledge about the contraband which was possessed by the other accused persons and he has no bad antecedents. He further submitted that he has no knowledge that



whether the respondent police filed final report in time or not. Hence, he seeks bail.

5. Per Contra, the learned Government Advocate (criminal side), on instructions, submitted that on the confession, it is also revealed that the accused persons went to Andhra Pradesh State and purchased the contraband with intention to sell the same in Tamil Nadu for higher price. He further submitted that after completing investigation, the respondent police has filed final report and the same has been taken cognizance in C.C. No.125 of 2020 by the learned Principal Special Court for EC and NDPS Act, Madurai.

6. It is seen from the records that it is a commercial quantity and there is a specific par under Section 37 of NDPS Act, 'that no person of an offence involving in crime shall be released on bail or on his own bond unless there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail'. Though there are two previous cases pending against the petitioner not similar in nature, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the Criminal Original Petition stands dismissed.

sd/-

07/10/2020

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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,
NIB CID, MADURAI.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.

ORDER IN

CRL OP(MD) No.8395 of 2020

Date : 07/10/2020