



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9338 of 2020

Vijayakumar

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Sivagangai NIBCID P.S.
Crime No. 12 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Premkumar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.12 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner is arrayed as accused No.1. He was arrested and remanded to Judicial Custody on 22.06.2020 for the offences punishable under sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act 1985 in Crime No.12 of 2020, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 22.06.2020, on secret information, some persons have been transported Ganja illegally to Sri Lanka via Pudukottai through a White Color XYLO Car bearing Reg.No.TN-22-CH-4986. When the police party was on patrolling near the bus stop of Pudukkottai Milk Farm (Pal Pannai), they identified the car and one Naina Mohamed driven a car, who is arrayed as A-3 and tried to escape on seeing the police party and the police party trapped him and found that he was in possession of 144 kg of Ganja and seized the same and arrested him. On his confession, the petitioner and other accused persons were implicated in this crime. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) appearing for the State would submit that the petitioner is said to have transported 144 kg of Ganja along with other accused for the purpose of smuggling Ganja to Sri Lanka via Pudukottai. He would further submit that the petitioner is having seven previous cases in similar nature, out of which, four cases are commercial quantity.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is a habitual offender and the prima facie all mandatory requirements have been completed by the respondent police and there is no reason to believe that the petitioner has not committed any offence. That apart, the petitioner is also having seven previous cases. If the petitioner is released on bail, he will commit another offence. Hence, I am not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition stands dismissed.

sd/-

08/09/2020

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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,
SIVAGANGAI NIBCID P.S,
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE OFFICER IN-CHARGE,
DISTRICT JAIL, SIVAGANGAI.

ORDER IN
CRL OP(MD) No.9338 of 2020
Date :08/09/2020