



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2020

PRESENT

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

CRL OP(MD). No.14301 of 2020

Ayyanar

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.1065 of 2020

... Respondent/Complainant

For Petitioner : M/s.D.Arunkumar, Advocate.

For Respondent : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

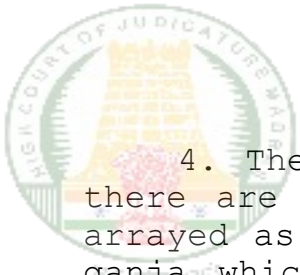
For Bail in Crime No.1065 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody for the offences punishable under Sections 8(C) and 20(b)(ii)(A) of NDPS Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that when the respondent police was in search on the Sivagangai to Ilayangudi road at Annamalai Nagar area at about 09.15 am all the accused persons tried to escape from the said place and thereafter all the police officials conducted search on the accused persons and found 10 packs of ganja, weighing about 500 gms. After completion of formalities the respondent police registered the First Information Report.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and for statistical purpose a false case has been foisted against the petitioner.



4. The learned Government Advocate(Crl.Side) would submit that there are four accused in this case and the petitioner herein is arrayed as A1. The petitioner was found in possession of 500 gm of ganja which was seized from the petitioner. He further submitted that the respondent police followed the mandatory procedure under Sections 42,50,52A and 57 of the NDPS Act , If the mandatory procedures are not complied with it is a matter for trial and it cannot be considered by this Court that too in the bail petition.

5. It is seen that there are four accused in this case and the petitioner herein is arrayed as A1. Further it is also seen that the petitioner was arrested only on 21.11.2020 , hence this Court is not inclined to grant bail to the petitioner.

6. In the result, the petition stands dismissed.

sd/-
08/12/2020

/ TRUE COPY /

/ /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,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE OFFICER INCHARGE,
SUB JAIL,
THIRUPATHUR,
SIVAGANGAI DISTRICT.

ORDER
IN
CRL OP(MD) No.14301 of 2020
Date :08/12/2020