



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/12/2020

PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

**CRL OP(MD) . No.14782 of 2020**

Kathiravan

... Petitioner/Accused No.4

Vs

The State rep.by  
The Inspector of Police,  
NIB CID, Police Station,  
Nagapattinam.  
(Crime No.14/2020).

... Respondent/Complainant

For Petitioner : M/s.B.Pandiarajan,  
Advocate.

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

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

PRAYER :-

For Bail in Crime No.14/2020 on the file of the respondent police.

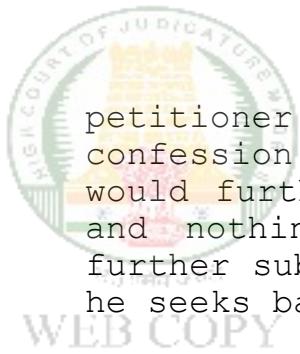
ORDER : The Court made the following order :-

The petitioner/A4 who was arrested and remanded to judicial custody on 14.07.2020 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(C, 29(1) and 25 of NDPS Act on the file of the respondent police seek bail.

2. The case of the prosecution is that on 14.07.2020 the respondent police has received a secret information regarding illegal transportation of contraband from Thiruthuraipoondi to Vedharanyam to export to Srilanka. The respondent police on basis of information received at about 3.30 pm., arrested A1 and recovered 300kg of ganja from A1. Based on the confession given by A1 other accused persons have been implicated.

3. The learned counsel for the petitioner would submit that the

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petitioner has been falsely implicated in this case and only on the confession given by A1 this petitioner has been implicated. He would further submit that the entire contraband was seized from A1 and nothing has been recovered from this petitioner. He would further submit that the petitioner is in jail from 14.07.2020, hence he seeks bail.

4. The learned Government Advocate (Crl.Side) would submit that there are six accused in this case and the petitioner herein is arrayed as A4. He would also submit that on the confession of the first accused the petitioner was arrested and remanded to judicial custody. He further submitted that the quantity involved is a commercial quantity and there is a bar under Section 37 of NDPS Act and does he is not entitled for bail and prayed for dismissal of the petition.

5. It is seen that there are six accused in this case and the petitioner herein is arrayed as A4. Based on the secret information regarding illegal transportation of contraband from Thiruthuraipoondi to Vedharanyam the respondent herein arrested the accused persons and recovered 300kg of ganja, which falls under the category of commercial quantity. Thereafter on the confession of the first accused the petitioner herein was arrested and remanded to judicial custody and as such there is no infirmity in the procedure followed by the respondent herein and in the light of Section 37 of the NDPS Act, if the petitioner fails to satisfy the twin test as contemplated under Section 37 of the NDPS Act, the petitioner is not entitled for bail. Hence this Court is not inclined to grant bail to the petitioner.

6. In the result, this petition stand dismissed.

sd/-  
15/12/2020

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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 SUPERINTENDENT,  
CENTRAL PRISON, PUDUKOTTAI.

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2.THE INSPECTOR OF POLICE,  
NIB CID, POLICE STATION, NAGAPATTINAM.

3.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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ORDER

IN

CRL OP(MD) No.14782 of 2020

Date :15/12/2020

AAV

AE/SMA/SAR-III (17.12.2020) 3P / 4C