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

Date : 11/12/2020

PRESENT

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

CRL OP(MD) . No.14582 of 2020

Sakunthala

... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Vellanur Police Station,
Pudukottai District.
(Crime No.193/2020).

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

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

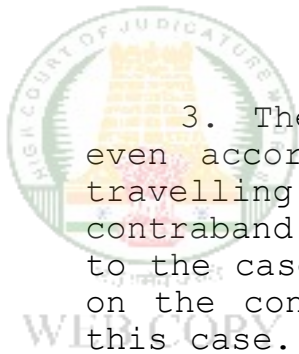
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.193/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3 who was arrested and remanded to judicial custody on 03.10.2020 for the offences punishable under Sections 8(c) r/w.20(b)(ii)(C) of NDPS Act on the file of the respondent police seek bail.

2. The case of the prosecution is that on 29.09.2020 the respondent police received a secret information that huge quantity of ganja is being smuggled by one Arockiadass and on receipt of the information the respondent police conducted vehicle check up and it revealed that a car bearing Reg. No. TN 39 BR 7430 was found in possession of 88 bundles of ganja (each containing 2 kgs) and one Ramesh accompanying the petitioner herein escaped from the scene of occurrence. Based on the confession the respondent implicated the petitioner herein as accused.



3. The learned counsel for the petitioner would submit that even according to the case of prosecution only two persons were travelling in the ford fiesta car and they were in possession of contraband. In so far as the petitioner is concerned even according to the case of prosecution she only travelled in the car and only on the confession of the first accused she has been implicated in this case. He further submitted that the petitioner was arrested on 03.10.2020 and even according to the case of prosecution no recovery has been made from the petitioner, 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 A3. He would also submit that on the confession of the first accused the petitioner was arrested and remanded. In fact the confession of the petitioner reveals that the petitioner on 29.09.2020 at about 2.00 am., all the accused went to house of the first accused and purchased 88 bundles of ganja (176 kilograms) and loaded in the ford fiesta car which was driven by the first accused. His wife and other accused persons were in white colour santro car followed by a two wheeler. There is specific overt act against the petitioner and she also involved in the above said crime. He further submitted that the quantity involved is a commercial quantity and there is a bar under Section 37 of NDPS Act and does she is not entitled for bail and prayed for dismissal of the petition.

5. It is seen that there are three accused in this case and the petitioner herein is arrayed as A3. All the petitioners purchased contraband weighing 176 kgs in 88 bundles from the first accused and while they were transporting it from Pudhukottai to Trichy the respondent police intercepted the first accused and recovered the contraband. 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/-

11/12/2020

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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.

WEB COPY

- TO
- 1 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
 - 2 THE INSPECTOR OF POLICE,
VELLANUR POLICE STATION, PUDUKOTTAI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14582 of 2020
Date :11/12/2020

AAV
AE/SMA/SAR-II (16.12.2020) 3P / 4C