



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.14915 of 2020

Dineshkumar

... Petitioner/Accused No.2

Vs

State Rep. by

The Inspector of Police,

Karimedu Police Station,

Madurai District.

(Crime No.1451 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.Elumalai,
Advocate.

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

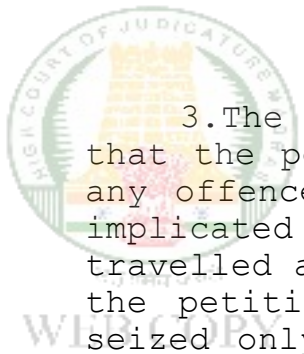
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Bail in Crime No.1451 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 02.10.2020, for the offences punishable under Sections 8(c), 20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985, in Crime No.1451 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 02.10.2020 at about 09.00 a.m, on receiving a secret information, the respondent Police intercepted the car bearing registration number TN 07 AW 0955 Honda City and recovered the contraband weighing about 36 kgs of Ganja, which was kept under the back seat of the said car. The said contraband was seized under a mahazar and thereafter, sample has been taken and the petitioner and other accused were arrested. Thereafter, the petitioner and the contraband were brought to the police station and the police registered a case in Cr.No.1451 of 2020 under Sections 8(c), 20(b)(ii)(c), 25, 29(1) of NDPS Act, 1985, and they were remanded to judicial custody.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner travelled along with A1 in the car, the said car does not belongs to the petitioner herein. He further submitted that the contraband seized only from the car not from the petitioner. That apart, the mandatory requirement under Section 50 of NDPS Act has not been complied with. Hence, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) opposed the bail petition submitted that on receiving secret information, the respondent police found that the petitioner and other accused were in possession of 36 kgs of Ganja, which is commercial quantity. He further submitted that the mandatory provision has been complied with and there is no reasonable ground to believe the petitioner that he was not guilty of the offence. Hence, he prayed to dismiss this petition.

5.Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records it is seen that the petitioner and other accused were found in possession of 36 kgs of Ganja, which is commercial quantity. Admittedly, the contraband recovered from the car and petitioner travelled in the car. Further, the provision of Section 50 of NDPS Act is not applicable in this case. That apart the mandatory provision of Section 42 of NDPS Act is also followed in this case and there is no other reason to believe that the petitioner was not guilty of the offence. Considering the above circumstances and there is no reasonable ground to grant this petition, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this criminal original petition is dismissed.

sd/-
16/12/2020

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/ /2021
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,
KARIMEDU POLICE STATION,
MADURAI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP(MD) No.14915 of 2020

Date :16/12/2020

vsg

JM/VR/SAR I/25.01.2021/3P/4C