



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

Date : 16/12/2020

PRESENT

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

CRL OP(MD). No.14897 of 2020

WEB COPY

Senthil ... Petitioner/Accused No.1

Vs

The State represented by,
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.367 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.M.Anantha Murugan,Advocate.

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

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

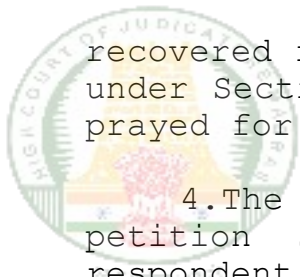
PRAYER :- For Bail in Crime No.367 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused No.1, who was arrested and remanded to judicial custody on 29.07.2020, for the offences punishable under Section 8(c) r/w Section 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985, in Crime No.367 of 2020 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 29.07.2020 at 08.00 a.m when the police party attached with respondent police was on the patrolling duty at Madhavakurichi Vilakku, an Auto bearing registration number TN 72 AR 0201 driven by the accused No.2 came there and the petitioner is said to have sat on the back seat of the auto keeping the possession of 7 plastic gunny bags and on seeing the police party, they tried to escape from the spot. On suspicion, the respondent police said to have informed that the he has possessed totally 14 kgms of Ganja and on search it was found that each of plastic gunny bag is consisting of 2 kgs of Ganja. The said drug 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.367 of 2020 under Section 8(c) r/w Section 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985, and there 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 nothing has been



recovered 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 possessed totally 14 kgms of Ganja. 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 was found in possession of 14 kgs of Ganja. Admittedly, the contraband recovered from the bag, which was carried by the petitioner. 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.

vsg

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,
MANUR POLICE STATION, TIRUNELVELI DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TIRUNELVELI
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14897 of 2020

Date :16/12/2020