



WEB COPY

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

Date : 22/12/2020

PRESENT

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

CRL OP(MD) . No.15450 of 2020

Veerakumar ... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
NIB CID,
Dindigul District.
Crime No.19 of 2020. ... Respondent/Complainant

For Petitioner : M/s.K.M.Arunprasath,
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.19 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 on 07.07.2020 for the offences punishable under Sections 8 (C) r/w. 20(b)(ii)(C) r/w.Section 25 of NDPS Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 07.07.2020 at about 7.30 a.m., on Sempatti to Oddanchatram road near Authoor diversion, the petitioner and the co-accused who were coming in an auto found in possession of 36 kgs of ganja.



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. He would also submit that no recovery has been made from the petitioner and he is in jail for more than three months, hence he may be granted bail.

4. The learned Government Advocate (Crl. Side) would submit that there are two accused in this case and the petitioner herein is arrayed as A1. The petitioner was found in possession of 36kg 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 two accused in this case and the petitioner herein is arrayed as A1. When the respondent police was in search near Sempatti to Oddanchatram road near Authoor diversion found the petitioner was travelling in an auto with 36 kgs of ganja. That apart the respondent police also followed all mandatory procedures laid down under Sections 42, 50, 52A and 57 of the NDPS Act. Further the contraband possessed by the petitioner falls under commercial quantity. 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, the petition stands dismissed.

sd/-
22/12/2020

/ 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 SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>



2.THE INSPECTOR OF POLICE,
NIB CID, DINDIGUL DISTRICT.

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

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ORDER

IN

CRL OP(MD) No.15450 of 2020

Date :22/12/2020

aav

AE/JM/SAR-II (29.12.2020) 3P / 4C