



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.6260 of 2021

Viji ... Petitioner/Accused No.7

Vs

The State by,
The Inspector of Police,
Cumbum North Police Station,
Theni District.
In Crime No.37 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.Balamuruganantham,
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.37 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/accused no.7, who surrendered before the lower Court on 02.02.2021 for the offence punishable under Sections 8(C), 20(b)(ii)(C), 29 (1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.37 of 2021 on the file of the respondent police, seeks bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3.It is seen from the submissions made that on 20.01.2021 at about 11.15 a.m., when the defacto complainant along with police party, were engaged in watching of illegal possession and transportation of Narcotic Drugs and Psychotropic Substances near Kumbamettu Road bypass Junction, they found two cars, two two-wheelers and the persons with two bags. On seeing the police party, two persons escaped in two cars. Other two persons caught red-hand.



After completing the mandatory procedures, the accused was found with 52 kgs of Ganja. Therefore, the respondent police seized the contraband and registered a case against all the accused.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that on the basis of the confession statement of the co-accused, this case was registered against the petitioner and also there is no recovery from the petitioner. Therefore, he seeks release of the petitioner on bail.

5.The learned Government Advocate(Crl.Side) appearing for the respondent opposes this petition on the ground that the petitioner was one of the persons, who was caught in red-hand.

6.The submission of the learned counsel for the petitioner that on the basis of the confession statement of the co-accused, this case was registered against the petitioner and also there is no recovery from the petitioner are the matters to be considered at the time of trial and not while considering the bail petition. The confession statement of the co-accused is relevant under Section 27 of the Indian Evidence Act. Section 29 (1) of NDPS Act deals with the punishment for abetment and criminal conspiracy, which is to be elucidated only at the time of trial. Also the petitioner has not satisfied the conditions contemplated under Section 37 of the NPDS Act to grant bail ie., there are reasonable grounds for believing that the petitioner is not guilty of such offence and that he is not likely to commit any offence while on bail.

7.Considering the facts and circumstances of the case and the fact that the petitioner has not satisfied the condition prescribed under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

30/04/2021

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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 SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

2. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.6260 of 2021

Date : 30/04/2021

sm

PK/VR/SAR-I/21.05.2021 : 3P/4C