



WEB COPY

CRL OP(MD). No.14232 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14232 of 2021

Sivankalai

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.1879 of 2020).

... Respondent/Complainant

For Petitioner : Mr.S.MAHENDRAPATHY,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1879 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

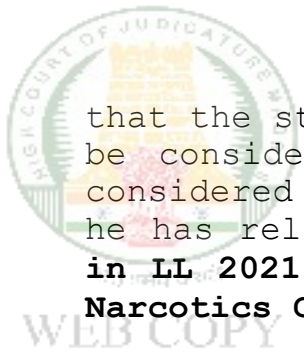
The petitioner/sole accused, who was arrested on 27.09.2020 for the offence under Section 8(c) r/w 20(b)(ii) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.1879 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 21 kilograms of ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the respondent police have not complied with the mandatory procedure contemplated under Section 50 of the NDPS Act. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. He is in judicial custody from 27.09.2020 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposed for grant of bail on the ground

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



that the statutory violation under Section 50 of the NDPS Act cannot be considered at the time of enlargement of bail and it can be considered only at the time of trial. In support of his contention, he has relied upon the **judgment of the Hon'ble Apex Court** reported in **LL 2021 SC 489 in Crl.A.No.1043 of 2021 (Union of India through Narcotics Control Bureau, Lucknow Vs. Md.Nawaz Khan)**.

5.Considering the submission made by learned Additional Public Prosecutor and also the antecedent of the petitioner, this Court is not inclined to grant bail.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

07/10/2021

/ TRUE COPY /

/ /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,
CHECKANURANI POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14232 of 2021

Date :07/10/2021

SA/SKN/SAR.2/29.10.2021/2P/4C