



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

Date : 25/10/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15543 of 2021

1. Kaswin

2. Kavin

3. Nagarjun

... Petitioners/Accused No.1,2&3

Vs

The State Rep.by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.

(Crime No.196 of 2021)

... Respondent/Complainant

For Petitioner : M/s. Pitchai Muthu.M.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.196 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 and A3, who were arrested on 31.07.2021, for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.196 of 2021, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that on 28.07.2021, at 22.00 hrs., the police officials on secret information conducted surveillance on Vaipar to Kelavipar Road. At that time, two persons, on seeing the police officials, fled away into the forest by leaving a Maruthi Suzuki Baleno Car bearing Reg.No.TN09 CB 8929. On search, they found four gunny bags, containing 76 kgs. of ganja, inside the car.

3. The learned counsel for the petitioners submits that except the confession statement, no other materials are available as against the petitioners and the petitioners were arrested after two



days from the date of occurrence. Since the contraband was recovered from the abandoned vehicle, the petitioners were not responsible for the alleged occurrence and the respondent Police was not aware of the persons, who fled away. Since the arrest and recovery is made in a public place, the procedure stipulated in Section 42 of the NDPS Act was not followed and Section 50 of the Act was also not followed. Since the petitioners have been languishing in jail from 31.07.2021, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submits that A1, A2 and A4 are brothers. A5 is the Car owner and A3 is the driver of the vehicle. The contraband was recovered from the Car bearing Reg.No.TN09 CB 8929. Though the accused were not present in the Car, the contraband was recovered from that Car. He further submits that the respondent Police also collected call details and report is yet to be received. He further submits that the investigation is at the initial stage. Hence, he opposed for grant of bail to the petitioners.

5. Considering the nature of offence, the quantity of contraband and in view of provisions under Section 37 of NDPS Act and since the investigation is at the initial stage, this Court is not inclined to grant bail to the petitioners at this stage.

6. In the result, the Criminal Original Petition is dismissed.

sd/-
25/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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,
Kulathur Police Station,
Thoothukudi District.



2.The Superintendent, Central Proson, Palayamkottai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.15543 of 2021

Date :25/10/2021

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RD/TR/SAR-II(11.11.2021) 3P 4C