



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16542 of 2021

WEB COPY

Shine Jose

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District.
(Cr.No. 114/2020).

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu B,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 114 of 2020 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 08.10.2020, for the
offence punishable under Sections 8(c) r/w 20(b)(ii)(c) and 25 of
NDPS Act, 1985, in Crime No.114 of 2020, on the file of the
respondent Police, seeks bail.

2. The case of the prosecution is that on receiving secret
information, the respondent Police conducted a vehicle check-up and
on 07.10.2020 at about 10.00 p.m., they stopped a two-wheeler
bearing Reg.No.KL-21-P-8158, in which, the petitioner carried 10
kgs of Ganja. The respondent Police recovered the contraband from
the petitioner and arrested him.

3. The learned counsel for the petitioner submits that the
petitioner is an innocent person and he has not committed any
offence as alleged by the prosecution. He further submits that
there was no recovery from the petitioner. However, he has been
languishing in jail from 08.10.2020. Hence, he prayed for grant of
bail.

4. The learned Additional Public Prosecution appearing for the
respondent Police opposed for grant of bail stating that the
contraband has been recovered from the petitioner.



5. Considering the nature of offence and the fact that the contraband has been recovered from the petitioner and in view of provisions under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner.

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6. Accordingly, the Criminal Original Petition is dismissed.

sd/-
28/10/2021

/ 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 Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.16542 of 2021
Date :28/10/2021

RS/VR/SAR2 (11.11.2021) 2P 3C