



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 04/01/2022
PRESENT

WEB COPY

The Hon'ble Mr.Justice **G.ILANGOVA**

Crl.OP (MD) Nos.17777 and 18883 of 2021

Rajkumar @ Kumar ... Petitioner/Accused No.7

Sakthidass ... Petitioner/Accused No.1

Vs.

The State rep.by,
The Inspector of Police,
Trichy Fort Police Station,
Trichy District,
(Crime No.725 of 2021)

... Respondent/Complainant
In both the petitions

For Petitioner : Mr.P.M.Vishnuvarathan
In Crl.OP(MD)No.1777 of 2021
For Petitioner : Mr.B.Jameelarasu
In Crl.OP(MD)No.18883 of 2021
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor
In both the petitions

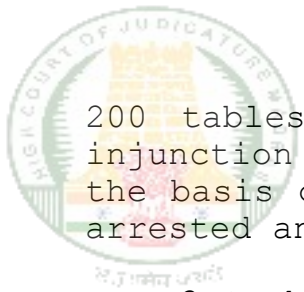
PETITIONS FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-For Bail in Crime No.725 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioner in Crl.OP(MD)No.17777 of 2021 is A7 and the petitioner in Crl.OP(MD)No.18883 of 2021 is A1 and they were arrested on 13/07/2021 and remanded to judicial custody for the offences punishable under sections 270, 328 IPC and section 8(c), 20 (b)(ii)(B), 21(a), 27(a) of Narcotic Substance Act, 1985 and Section 51(B) of Disaster Management Act, 2005 on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the police party was under routine patrol and on secret information, they went to the place of occurrence, at that time, they found four persons in a two wheeler bearing registration No.TN-42-AZ-997 (Hero Pleasure Vehicle). They were apprehended and on enquiry, inspection and search, they were found in possession of 15080 tablets of Nitovite,



200 tables of Nitrosun, Tydol tablets-53, Nephentermine Sulphare injuncion IP 10 ML Bottle, 25 Syringes and 3 kgs of ganja. So on the basis of the statement of the accused persons, all of them were arrested and the contraband has also been seized.

3. Seeking bail, both the petitioners filed these petitions.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

5. The learned Additional Public Prosecutor appearing for the respondent/State would submit that these petitions are continuously engaging in illegal activities and spoiling the younger society by supplying and selling the contraband as well as the drugs. The detention order that has been imposed upon the petitioners has not approved by the Advisory Board, which fact is also admitted by the learned Additional Public Prosecutor. On 30/11/2021, no other previous case is reported against these petitioners.

6. Whether the drugs that have been recovered from the petitioners are the prohibited drugs or whether they are capable of endangering the human body is a matter for investigation by sending the above samples for chemical examination. In so far as Ganja is concerned, it is only a smaller quantity, which is below the commercial quantity. The respondent submitted that it will come under the category of commercial quantity. Even though the contention on the part of the prosecution is that the contraband along with drugs that have been seized from the petitioners will come under the category of commercial quantity, as mentioned earlier, whether the above said drugs will come under the category of contraband drugs or not, is a matter for investigation.

7. Considering the period of custody of these petitioners and by this time, most of the investigation might have been over and no previous case is pending against these petitioners, this court is inclined to enlarge the petitioners on bail with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court for NDPS Act Cases, Pudukottai and on further condition that the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders.

sd/-
04/01/2022

/ TRUE COPY /

07/01/2022
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 SPECIAL COURT FOR NDPS ACT CASES,
PUDUKOTTAI.
 - 2 THE INSPECTOR OF POLICE
TRICHY FORT POLICE STATION, TRICHY DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.M.VISHNUVARTHANAN, Advocate. SR.No.63.

ORDER
IN
CRL OP (MD) No.17777 & 18883
of 2021
Date :04/01/2022

ER
MK/VR/SAR.II/07.01.2022/3P/7C