



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 22/12/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Cr1.OP(MD)No.17062 of 2021

Rajjiyaprabhu @ Karuvayan

... Petitioner/Accused No.2

Vs.

State rep. By
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai City.

(Crime No.357 of2021)

... Respondent/Complainant

For Petitioner : M/s.B.Senthil, Advocate

For Respondent : M/s.R.Meenakshisundaram
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.357 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2 was arrested on 26/06/2021 and remanded to judicial custody for the alleged offences punishable under section 8(c), 20(b)(ii)(C) and Section 25 of NDPS Act in Crime No.357 of 2021 on the file of the respondent police, seeks bail.

2.As per the prosecution case, on 26/06/2021 at about 5.30 am, on the basis of the secret information, the police team during routine check up, found the vehicle bearing registration No.TN-58-BW-0155 and two wheeler bearing registration No.TN-58-AF-0322 was intercepted and on their inspection, they found in possession of 40 kgs of ganja and on the spot itself, the 1st accused person namely Chinnasami and this petitioner and one Veerandran/A3 were arrested and ever-since from the date of arrest, they are in custody. The bail application filed by the co-accused namely A3-Veerandran came to be dismissed on 14/10/2021 considering the quantity of the contraband involved.



3. Now the learned counsel appearing for the petitioner would submit that more than 6 months, the petitioner is in custody. So proper proceedings for arrest and seizure has not been taken and even in the recovery mahazar, the crime number has not been mentioned, which according to the petitioner is highly doubtful. Except stating so, no other substantial material has been placed before this court for satisfying the twin conditions that has been mentioned in section 37 of the NDPS Act.

4. It is further seen that the two wheeler bearing registration No. TN-58-AF-0322 belongs to this petitioner, which is evident from the insurance certificate that has been taken for the above said two wheeler and it is also standing in the name of the petitioner. So the contention that totally a false case has been foisted against him cannot be accepted.

5. Further, by filing the additional typeset of papers, the learned counsel appearing for the petitioner would submit that no contraband has been seized from the petitioner. Based on the confession of A1, this petitioner's two wheeler has been recovered and no contraband has been recovered. Further more, the violation of the statutory provision is a matter for trial. But considering the facts and circumstances of this case, it is clear that this petitioner also involved in the above said illegal transportation of the contraband.

6. Considering the quantity of the contraband that has been involved in this case, this court is not inclined to grant bail to the petitioner and accordingly, this petition is liable to be dismissed.

7. In fine, this criminal original petition is **dismissed**.

Sd/-
22/12/2021

/ TRUE COPY /

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

ER



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,
SUBRAMANIPURAM POLICE STATION,
MADURAI CITY.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17062 of 2021
Date :22/12/2021

SP/CN/SAR I/28/12/2021/3P/4C