



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

Dated: 21/12/2021

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)No.17261 of 2021

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: Petitioner/Accused No.1

Vs.

The State rep. By
The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
(Crime No.435 of 2021)

: Respondent/Complainant

For Petitioner : Mr.K.Sudalaiyandi, Advocate

For Respondent : Mr.R.Meenakshisundaram

Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.435 of 2021 on the file of the Respondent Police.

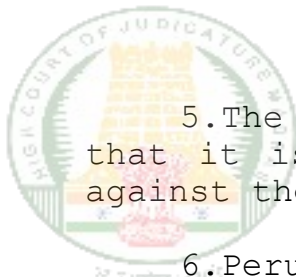
ORDER : The Court made the following order :-

The petitioner was arrested on 18/07/2021 and remanded to judicial for the alleged offences punishable under section 8(c) r/w 20(b)(ii)(C) and Sections 25, 29(1) of NDPS Act in Crime No.435 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18/07/2021 at 7.30 hours, the respondent police stopped the vehicle bearing registration No.TN-74-L-0263, in which this petitioner along with two others were travelling. On their inspection, they found in possession 21 kgs of ganja. So on that spot itself, they arrested the accused and remanded to the judicial custody.

3 Seeking bail, this petition came to be filed by the petitioner on the ground that ever-since from the date of arrest, he is in custody. The bail application that has been filed before the trial court came to be dismissed in Crl.MP No.1555 of 2021, dated 14/09/2021 stating that the conditions that have been imposed under section 37 of the NDPS Act have not been satisfied.

4.Heard both sides.



5.The learned counsel appearing for the petitioner would submit that it is totally a false case and no previous case is pending against the petitioner.

6.Perusal of the CD file shows that on the date of the alleged occurrence and in the place of occurrence, all the three accused persons have been arrested and from them, 21 kgs of ganja has been seized. It is further seen that the police went to the place of occurrence on tip off. Except stating that it is a false case and no case is pending against this petitioner, no other ground has been raised on the side of the petitioner.

7.The vehicle in which the accused were travelling has also been seized and handed over to the father of the co-accused namely Senthil. From this, we see that the vehicle also belongs to the above said Senthil. So there is prima facie material available to show that the above said petitioner is involved in this case.

8.As mentioned earlier, except stating that it is a false case that has been foisted against this petitioner, no valid ground has been raised to satisfy the requirement of Section 37 of the NDPS Act. Considering the seriousness of the above allegation, the trial court has dismissed the bail petition filed by the petitioner. Absolutely, I find no wrong in the order of the trial court in dismissing the bail petitioner.

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

sd/-
21/12/2021

/ 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
ARALVAIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.17261 of 2021

Date :21/12/2021

RS/VR/SAR.2 (28.12.2021) 3P-3C