



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

Tuesday, the Fourteenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) No.19433 of 2021

WEB COPY

NALLAIAH @ NALLAIYA

... PETITIONER/7TH ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUGOKARNAM,
PUDUKOTTAI DISTRICT.
(CR.NO.704 OF 2021)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. POORNACHANDRAN.S Advocate
For Respondent : MR.R.MEENAKSHI SUNDARAM,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER :

FOR BAIL IN CRIME NO. 704 OF 2021 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner, who is A7 was arrested and remanded to judicial custody on 25/10/2021 for the alleged offences punishable under Section 328 IPC and Sections 21(a) and 27(a) of Narcotic Drug Psychotropic Substances Act, 1985, in Crime No.704 of 2021 on the file of the respondent police and hence, seeks bail.

2.The petitioner is facing the charges under Section Section 328 IPC and Sections 21(a) and 27(a) of Narcotic Drug Psychotropic Substances Act, 1985.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

4.The ground on which this petition came to be filed by this petitioner is that the Tydol tablets, which alleged to have been sold by him is not a narcotic drug or contraband, as per the Schedule of the NDPS Act, 1985.

5.When the matter was called, on 10.12.2021, finding that such a sort of argument has been advanced, the learned Additional Public Prosecutor required to verify whether this comes under the category of NDPS offence or not.



6.The learned Additional Public Prosecutor would submit that now, the seized Tydol tablets has been sent to the Lab for the purpose of examination.

7.This petitioner cannot be kept in custody endlessly till the report is received from the Lab. Since the Tydol tablets are freely available in the market, for finding out the prima facie materials, the composition of the above said tablet has been gathered from the internet, wherein the composition is mentioned as 'Tapentadol'. Further, the probe will show the nature and side-effect of the composition called 'Tydol tablets. It shows that it seems to be used to treat moderate to severe acute pain (pain that begins suddenly, has a specific cause, and is expected to go away when the cause of the pain is healed) and it is used to treat severe neuropathic pain (pain caused by nerve damage). The side effects are headache, heartburn, stomach pain, dry mouth, excessive tiredness, anxiety, drowsiness, difficulty falling asleep or staying asleep. As submitted by the learned Additional Public Prosecutor, the further probe is required in this issue.

8.So considering the above said issue and the duration of custody of the petitioner; finding that no previous case is also pending against him and the investigation is pending only for the purpose of receiving the above said tablets lab report, this court is inclined to **grant bail** to the petitioner with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate No.II, Pudukottai and on further condition that the petitioner shall report before the respondent police daily at 10.00 am until further orders and on further condition that the petitioner must file an affidavit before the concerned Magistrate court stating that he will not purchase and sell the Tydol tablets without any prescription of the medical practitioner. If any violation is noticed during bail period, the bail that has been granted in this matter will stand automatically cancelled without reference to this court.

sd/-

14/12/2021

/ TRUE COPY /

/ /2021

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



TO

1 THE JUDICIAL MAGISTRATE II
PUDUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI.

3 THE INSPECTOR OF POLICE
THIRUGOKARNAM,
PUDUKOTTAI DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKOTTAI.

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

ORDER

IN

CRL OP(MD) No.19433 of 2021

Date :14/12/2021

RS/PN/SAR3(14.12.2021) 3P-6C