



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.20765 of 2021

B.Navaneethan

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Pattiveeranpatti Police Station,
Dindigul District.
Crime No.288/2021

... Respondent/Complainant

For Petitioner : Mr.G.Karuppusamy Pandian, Advocate for
Mr.Manimaran, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For bail in Crime.No.288 of 2021 on the file of the Respondent Police.

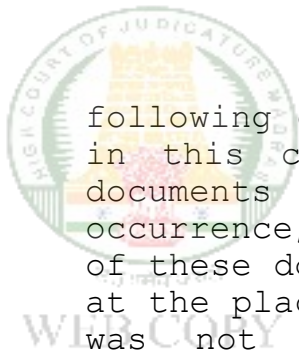
ORDER : The Court made the following order :-

The petitioner, who was remanded to judicial custody on 02.05.2021, for the offence punishable under 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act, in Crime No.288 of 2021 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 02.05.2021 at 4.00 a.m., based on secret information, when the respondent police conducted vehicles check up on Nelloor-Kathirnayakanpatti, Dindigul District, they found a bike bearing No.TN-57-BJ-8413 Bajaj CD 100 and when the respondent police tried to stop the bike, two unknown persons on the bike, alighted and ran away and the petitioner tried to escape, was caught hold and seized the contraband. Hence, the case.

3. The learned Government Advocate (Crl. Side) submits that this is the third bail petition. The earlier bail petition was dismissed by this Court vide order dated 02.11.2021 in Crl.O.P.(MD) No.10293 of 2021, on the ground that the petitioner and the other three accused were arrested along with contraband.

4. The learned counsel for the petitioner has submitted that this is the 3rd bail application moved by the petitioner on the



following change of circumstances, viz., charge sheet has been laid in this case, from the charge sheet it is found that all the documents which were said to have been prepared at the place of occurrence, are all computer printed formats and therefore, Mahazar of these documents have been done only in the Police station and not at the place of occurrence. He would further submit that the sample was not taken in the presence of Gazetted Officer/Judicial Magistrate as required under Section 52(A) of NDPS Act, but the sample was taken only in the presence of the respondent police. He also pointed out that the seal was not properly made at the place of occurrence by which, it is clear that recovery of contraband and taking of samples were not taken place at the place of occurrence and the same same was also not in the FIR or Mahazar or in any other documents. Therefore, by pointing out these aspects, the learned counsel for the petitioner seeks for grant of bail to the petitioner.

5. Though the learned counsel for the petitioner raised the above grounds, this Court is of the view that these grounds at best can be treated as defence and not as change of circumstances and that these can be probed into only during the trial of the case and therefore, this Court is not inclined to entertain the present bail application.

6. Accordingly, the Criminal Original Petition is dismissed.

sd/-

23/12/2021

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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
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20765 of 2021

Date :23/12/2021