



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.6318 of 2022

MULLAIVENDHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
N2, KASIMEDU POLICE STATION,
CHENNAI. (CRIME NO.651/2021)

[RESPONDENT]

For Petitioner : M/S.M.ILLIYAS Advocate

For Respondent : M/s.G.V.Kasthuri (Additional Public Prosecutor)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

2. The petitioner herein is the 5th accused in a case where the respondent has recovered 22 kgs of ganja, based on prior intimation. According to the prosecution on 22.07.2020, at about 13.00 hours Sub Inspector of Police received a secret information that the accused persons are selling Ganja at Indira Nagar and on receiving the said information, the team went to the scene of occurrence. On seeing police party, the accused persons appeared holding white color gunny bags tried to flee from the scene of occurrence. When the police caught hold of the 1st accused and other accused fled. From the information given by the A1/Nepolian, they have come to know about the persons fled, namely one Sarathkumar, Ilayavanan, Eswar, Mullaivendhan. This petitioner Mullaivendhan is arrayed as A5. Thereafter, this petitioner was arrested on 05.12.2021 and remanded to the judicial custody.

3. The learned counsel for the petitioner would submit that all other accused were released on bail, since the prosecution has not filed the final report within the mandatory period of 180 days. So far this petitioner is concerned, no contraband was recovered from



his possession or during house search of this petitioner and therefore following the dictum of Tofan Singh case, the petitioner is entitled for bail.

4. This Court on going through the case records finds that it is a case where the petitioner was in joint possession with the other accused when the raiding party went to the scene of crime and this petitioner along with two others have fled and two of them, A1 and A2 were caught. From the information given by the person who caught by the police, the identity of this petitioner has come to light and thereafter this petitioner was arrested and therefore the provision of NDPS Act as it reads, the culpable mental state of the petitioner herein by fleeing from the scene of occurrence and constructive possession of the contraband under Section 54 are to be prima facie held against this petitioner and hence this Criminal Original Petition for bail is dismissed.

-sd/-

24/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

2 THE INSPECTOR OF POLICE,
N2, KASIMEDU POLICE STATION, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.ILLIYAS Advocate on payment of necessary charges

CRL OP.6318/2022

Date :24/03/2022

RVR 29/03/2022