



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 18/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

WEB COPY

Crl.OP(MD)No.7036 of 2022

1.Veeramani
2.Sureshkumar

... Petitioners/Accused Nos.2 & 6

Vs.

State represented by
The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District.
(In Crime No.855 of 2021)

... Respondent/Complainant

For Petitioners : Mr.V.SELVAKUMAR, Advocate

For Respondent : Mr.T.SENTHIL KUMAR
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.855 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A6 were arrested, on 09/12/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b)(ii)(B) @ 25 of NDPS Act, 1985 @ 8(c) r/w 20(b)(ii)(c) and 25 of NDPS Act, in Crime No.855 of 2021, seeks bail.

2.The case of the prosecution is that on 08/12/2021 at about 4.30 pm, on secret information, the de-facto complainant along with the police team went to the place of occurrence namely Kamarajapuram 9th Street, near Sakthi Kovil and found a two wheeler bearing registration No.TN-55BC-0869 identified by the police informer. At that time, three persons were found talking to each other. Those persons were identified by the informer. The police team enquired the above said three persons. They have stated that their name were Lakshmi Narayanan, Dharun Sundar and Natheem Ali, so also this petitioner also talking with the above said three persons. A search was made and they have been found in possession of 1.200 kgs of ganja, apart from currency notes to the tune of of Rs.15,270/-. On the basis of the confession statement of Lakshmi Narayanan, three persons were arrested and in that confession, Lakshmi Narayanan has



stated that they used to purchase ganja from one Se and Sureshkumar. Further proceedings were undertaken as per the procedure and rules. The petitioners were arrested on the spot itself and remanded to judicial custody.

3. Seeking bail, this petition came to be filed by the petitioners stating that Lakshmi Narayanan and Natheem Ali were granted bail by this court on the ground that the ganja recovered from them is not coming under the commercial quantity.

4. Heard both sides.

5. The learned counsel appearing for the petitioners would submit that the total contraband involved in this case is 36 kgs. So far as the first petitioner/A2 is concerned, he was found in possession of 1.200 kgs of ganja. Even as per the allegation made in the FIR, the co-accused namely Lakshmi Narayanan and Natheem Ali were found carrying 1.200 kgs of ganja have been granted bail by this court in Crl.OP(MD)No.3459 of 2022, dated 18/03/2022, the first petitioner/A2, who has been standing on the very same footing is also entitled for bail.

6. The learned Additional Public Prosecutor would submit that the 1.200 kgs of ganja was seized from A1 to A4. Based upon the confession statement of A1, A5 and A6 were arrested and recovered 35 kgs of ganja from them.

7. Considering the above facts and circumstances of the case, this court is not inclined to grant bail to the 2nd petitioner/A6 and accordingly, this petition is dismissed against the second petitioner/A6, since section 37 of the Act is not satisfied.

8. Without going into other aspects, by applying the rule of parity, this court is inclined to grant bail to the 1st petitioner/A2 with certain conditions. Accordingly, the first petitioner/A1 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 Additional and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukottai and on further condition that the first petitioner shall report before the respondent police daily at 10.30 am until further orders.

sd/-

18/07/2022

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18/07/2022

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 ADDITIONAL DISTRICT & SESSIONS JUDGE / PRESIDING OFFICER,
SPECIAL COURT FOR E.C., AND NDPS ACT CASES,
PUDUKKOTTAI.
- 2 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7036 of 2022

Date :18/07/2022

SA/VR/SAR.2/18.07.2022/3P/5C