



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.7517 of 2022

1.A.Prabakaran

2.M.Sudhanraj

... Petitioners/Accused No.3 & 5

Vs

State rep.by

The Inspector of Police,

NIB CID, Nagapattinam,

(Crime No.6 of 2022).

(Velapalayam P.S.Cr.No.33/2022) ... Respondent/Complainant

For Petitioners : Mr.A.Senthilkumar, Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Government Advocate (Crl.Side)

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

PRAYER :-

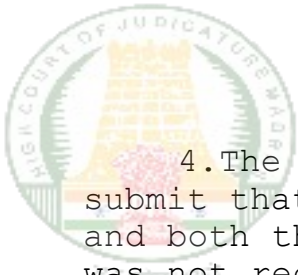
For Bail in Crime No.33 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /accused, who were arrested and remanded to judicial custody on 18.01.2022 for the offences punishable under Sections 8(C), r/w. 20(b) (ii) (C) and 25 of NDPS Act 1985 in Crime No.33 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused are said to have transported 167 Kgs of Kanja by using vehicles Maruthi Swift Car and FIAT LINEA and the same was recovered by the Law Enforcing Agency. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that the co-accused persons only transported the Kanja and the contraband has not been recovered from the petitioners. He would further submit that there is no proof available that the petitioners have found in possession of Kanja and seek bail.



4. The learned Additional Public Prosecutor appearing would submit that the contraband was illegally transported by main accused and both the vehicles were seized and the possession of the property was not recovered from the petitioners. He would further submit that the it is commercial quantity of Kanja and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the recovered contraband is a commercial quantity and that the petitioners are implicated in the case based on the statement of co-accused, further that the investigation is preliminary stage, hence this Court is not inclined to enlarge the petitioners on bail.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

11/05/2022

/ TRUE COPY /

13/05/2022

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

trp/tta

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 SUB INSPECTOR OF POLICE,
NIB-CID, NAGAPATTINAM.
2. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE INSPECTOR OF POLICE,
VELAPALAYAM POLICE STATION,
NAGAPATTINAM.

ORDER

IN

CRL OP(MD) No.7517 of 2022

Date : 11/05/2022