



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 01/07/2022

WEB COPY

PRESENT
The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.8574 of 2022

Muthukalyani : Petitioner/Accused No.1

Vs.

State represented by
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Crime No.36 of 2022)

: Respondent/Complainant

For Petitioner : Mr.P.Senguttarasan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

PRAYER :-

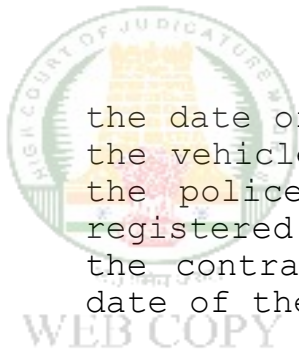
For Bail in Crime No.36 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 was arrested, on 06/03/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(B)(II)(C), 25 and 20(1) of NDPS Act, 1985, in Crime No.36 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06/03/2022 on a secrete information, the police party went to the place of occurrence and at about 8.00 am, they found that a Hero Honda Motor bike bearing registration No.TN-59-V-3731 was riding by three persons. One of them, on seeing the police party, escaped from that place and other two persons were apprehended on the spot itself namely Muthu Kalyani ad Guna Pandi. On search, it was found that they were found in possession of 22.500 kgs of Ganja in a gunny bag. Further proceedings were undertaken as per the procedure. Seeking bail, the petitioner, who is arrayed as A1, has filed this petition.

3.It is contended on the part of the petitioner that no previous case of this kind was registered against the petitioner. On



the date of the alleged occurrence, the police officer tried to stop the vehicle. So the petitioner along with other persons try to kick the police officer. To wreck vengeance only, this case has been registered by procuring the contraband from some other source and the contraband was not produced before the concerned court on the date of the seizure.

4.The learned Additional Public Prosecutor would submit that this petitioner along with the co-accused are in the habit of smuggling, transporting Ganja from Andhra Pradesh to Tamil Nadu. It is their habitual nature. Since, it is a commercial quantity, section 37 of the NDPS Act must be complied. Except stating that this case has been registered falsely because of the above said kick, the petitioner has not brought on record any material to satisfy the requirement of section 37 of the NDPS Act. Even though, it is contended by the petitioner that the contraband has been recovered from the petitioner, it was not produced before the trial court.

5.The remand report shows that the property recovered with Ganja is also going to be remanded. So the contention on the part of the petitioner that the property alleged to have been recovered from the petitioner, has not been remanded to the court is also not correct on record.

6.Even though, no previous case has been registered against this petitioner, the contention on the part of the petitioner, cannot be accepted at this stage. It is a matter for trial.

7.So considering the gravity of the offence and section 37 of the NDPS Act has not been complied, the petitioner is not entitled for bail. Accordingly, this criminal original petition is **dismissed**.

sd/-
01/07/2022

/ TRUE COPY /

/07/2022

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

TO

1.THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

2.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



Crl.OP(MD)



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

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RK/JM/SAR-II/08.07.2022 : 3P/4C

ORDER

IN

CRL OP(MD) No.8574 of 2022

Date : 01/07/2022