



WEB COPY

Crl.OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Dated: 05/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

**Crl.OP(MD)No.8837 of 2022**

Arasan : Petitioner/Accused No.2

Vs.

The State:  
rep. By its Inspector of Police,  
NIBCID,  
Theni.  
(Crime No.31 of 2021) : Respondent/Complainant

For Petitioner : M/s.S.Prabha

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.31 of 2021 on the file of the Respondent Police.

**ORDER** : The Court made the following order:-

The petitioner, who is arrayed as A2 was arrested, on 22/05/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b), (ii) (C) of NDPS Act, in Crime No.31 of 2021, seek bail.

2.The case of the prosecution is that on the information furnished by the police informer, on 22/05/2021, the de-facto complainant along with the police team went to Pathinetam Calvai near Cumbam Manikadai Alamaram road, at about 06.00 am. At that time, one person was found with suspicious bag. He was enquired and he disclosed his name as Arasan. Search was made and during search, he was found in possession of 25 kgs of ganja. Further sampling process was undertaken as per the procedure and law. He was arrested on the spot itself and remanded to judicial custody.

3.Seeking bail, the petitioner, who is arrayed as A2 has filed this petition on the ground that now final report has been filed and the co-accused was released on bail by this court in Crl.OP(MD)

<https://www.mhc.tn.gov.in/judis>



No.2391 of 2022, dated 23/03/2022 and a false case registered upon the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender not only in similar case, but also the offence under the provisions of IPC.

5.Reading of the counter as well as the order passed by the trial court shows that the petitioner got bad antecedent and he has involved in similar cases. More than five cases are similar in nature.

6.From the perusal of FIR, it is seen that this petitioner was apprehended and arrested on the spot itself along with ganja. It is a commercial quantity. Naturally section 37 of the NDPS Act must be strictly complied.

7.The habitual nature of the petitioner shows that he is not keeping his good conduct and habitually engaged in selling ganja. Such a person is not entitled for bail. There is no guaranty that if the petitioner is released on bail, he will not commit any similar and other offence. A1 was granted bail on the ground that except the confession statement of the petitioner, no other material was collected against A1. So the petitioner cannot take advantage of the above said bail order, that was granted to A1. Except stating that it is a false case, no other ground worth considering to satisfy the requirement of section 37 of the NDPS Act, is made.

8.In the result, this criminal original petition is **dismissed**.

sd/-

05/08/2022

/ TRUE COPY /

/ /2022

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

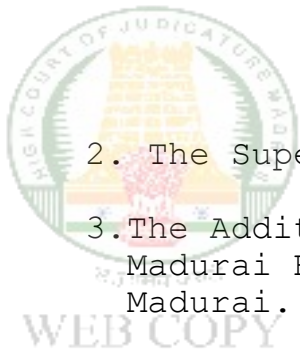
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

1.The Inspector of Police,  
NIBCID,

<https://www.mca.gov.in/District>.



2. The Superintendent, Central Prison, Madurai.

3. The Additional Public prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER

IN

CRL OP(MD) No.8837 of 2022

Date :05/08/2022

RD/JM/SAR-I(10/08/2022) 3P 4C