



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 14/07/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.9188 of 2022

S.Syed Hussain

... Petitioner/Accused

Vs.

State rep.by
The State of Tamil Ndu
rep. By the Inspector of Police,
Mangalampettai Police Station,
Cuddalore District.
(Crime No.344 of 2022)

... Respondent/Complainant

For Petitioner : Mr.J.Selvarajan, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Criminal side)

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

PRAYER :-

For Bail in Crime No.344 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as accused was arrested, on 31/03/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b)(ii)(B) of NDPS Act, in Crime No.344 of 2022, seeks bail.

2.The case of the prosecution is that on 31/03/2022, on a secret information, the police team went near Pillur check post and engaged in routine vehicle check up. At that time, at about 11.00 am, a Car bearing registration No.TN-82-C-2949 and another two wheeler were coming without stopping even though signal has been shown by the police team. They were apprehended. On enquiry and search, they were found in possession of 2 kgs of contraband. Further process was undertaken as per the procedure. The petitioner was arrested and remanded to custody, on 31/03/2022.



3. Seeking bail, this petitioner moved bail before the Special Court under EC Act cases, Thanjavur, in Cr.M.P No.2128 of 2022 and that was dismissed, on 05/05/2022 stating that even though the contraband seized is in between the quantity, noting the involvement of this petitioner in previous cases of similar nature, the bail application was dismissed. Subsequent to that, this petition came to be filed.

4. Heard both sides.

5. The learned counsel appearing for the petitioner would submit that the petitioner is a business man doing sale of dry fishes and only the other person has involved in the above said occurrence and this petitioner is no way involved. But it is seen that this petitioner was arrested along with the contraband in the place of occurrence itself. He is also involved in previous case of similar nature. There is no guarantee that he will not commit any similar offence, if he is released on bail.

6. It is submitted by the learned Government Advocate (Criminal side) that Act, 14 is going to be invoked against the petitioner. When it is a case of recovery of ganja from the possession of the petitioner on the spot itself, the contention that he is not involved in the above said occurrence, cannot be accepted.

7. As mentioned earlier, if the petitioner is released on bail, there is no guarantee that he will not any similar offence. So, I find no reason to differ from the view that has been taken by the Special Judge. Accordingly, this criminal original petition is liable to be dismissed and it is **dismissed**.

Sd/-
14/07/2022

/ TRUE COPY /

/09/2022

Sub-Assistant Registrar (C.S.III)
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.



1. THE INSPECTOR OF POLICE,
MANGALAMPETTAI POLICE STATION,
CUDDALORE DISTRICT-606 104.
2. THE OFFICER INCHARGE,
DISTRICT JAIL AT CUDDALORE.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.9188 of 2022
Date :14/07/2022

MK/VR/SAR.I/20.09.2022/3P/4C