



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 18/07/2022

PRESENT

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

Crl.OP(MD)No.9247 of 2022

1.Raja
2.Veerakani
3.Senthilnathan

... Petitioners/Accused Nos.1 to 3

Vs.

State rep. By
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
(Crime No.60 of 2022)

...Respondent/Complainant

For Petitioners : Mr.B.JAMEEL ARASU,Advocate

For Respondent : Mr.Thanga Aravindh.B
Government Advocate (Crl. Side)

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

PRAYER :-

For Bail in Crime No.60 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A3 were on 17/02/2022 and remanded to judicial custody for the alleged offence punishable under section 8 [c] r/w 20b)9ii)(c) of NDPS Act, in Crime No.60 of 2022 on the file of the file of the respondent police, seek bail.

2.The case of the prosecution is that the police team, after receiving the secret information along with the informer, went to the East Coast Road on 16/02/2022 at about 11.30 am. At that time, the informer identified a car bearing registration No.TN-38-BS-2770. When that was intercepted, three persons were found in the car. On further inspection, they were found in possession of totally 81.775 kgs of ganja in 14 pockets. Further proceedings were undertaken and the statement of the accused were recorded. A1-Raja, A2-Veerakani and A3-Senthilnatan were found and they were arrested on the spot itself and further process continued as per the procedure. The



petitioners were arrested and remanded on that day itself & since, they are in custody.

3. Seeking bail, this petition came to be filed by the petitioners stating that it is not a case of commercial quantity. It has been simply stated that the mandatory procedures under section 50 of the NDPS has not been followed by the police and there is a delay in forwarding the FIR and other documents to the court.

4. A detailed counter has been filed by the State stating that the accused were found in possession of the contraband on the spot itself and arrested red handed. The investigation also shown that A4 and A5 are also involved in the above said transportation of ganja and they used to purchase the ganja from known persons in Madurai, in turn, used to supply to A1 to A3 for further transporting and selling the same. Whether the requirement of section 50 of the NDPS Act has not properly followed is a matter for investigation and trial.

5. It is further seen that A2, who is the second petitioner herein is also involved in prohibition case in Crime No.671 of 2020. Similarly A3 is having prohibition case in Crime No.671 of 2020. Even though they are no similar offence, as mentioned earlier, the investigation is in the preliminary stage and they have not satisfied the requirement of section 37 of the NDPS Act. A1 in the course of confession statement has stated that he is also involved in the previous offence. But no particulars are available on record.

6. Since the investigation is at the preliminary state and if the petitioner are released on bail, they may temper the investigation process. The antecedent and the non compliance of section 37 of the NDPS Act dis-entitle, the petitioners from granting bail.

7. So, this criminal original petition stands **dismissed**.

sd/-

18/07/2022

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/07/2022

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

TO

1 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.



Crl.OP(MD)



22

2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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

WEB COPY

ORDER

IN

CRL OP(MD) No.9247 of 2022

Date :18/07/2022

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PKP/PN/SAR-3/21.07.2022/3P/4C