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Crl.O.P.(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.9443 and 12063 of 2022

S.Bibin

... Petitioner/1st Accused
in Crl.O.P.(MD) No.9443 of 2022

Shaji

... Petitioner/3rd Accused
in Crl.O.P.(MD) No.12063 of

2022

Vs

The Sub Inspector of Police,
Vedaseri Police Station,
Kanyakumari District.
(Crime No. 118 of 2022)

... Respondent /Complainant
in Crl.O.P.(MD) No.9443 of 2022

The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
(Crime No. 118 of 2022)

... Respondent /Complainant
in Crl.O.P.(MD) No.12063 of 2022

For Petitioner : Mr.N.Kamesh, Advocate.

In Crl.O.P.(MD) No.9443 of 2022

For Petitioner : Mr.B.Micheal Sebastin, Advocate

in Crl.O.P.(MD) No.12063 of 2022

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor
in both petitions

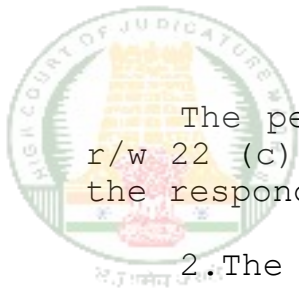
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime No.118 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

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



The petitioners are facing charges under Sections 8 (c) r/w 22 (c) of NDPS Act, 1985 in Crime No.118 of 2022 on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

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3.On 16.04.2022 at about 06.30 am., based upon the secret information, the police team along with the police informer went to the Vadaseri Bus-stand and were looked out for the suspect. At that time, three persons were found and they were identified by the police informer. All the three persons were apprehended and on enquiry, they revealed their names as Bibin, Arun Thulasi and Shaji. They were searched and at that time, they were found in possession of Drug, called Methylene Dioxy Methamphetamine (MDMA).

4.It is also revealed that they purchased the aforesaid Drug from one unknown person and they were selling the same to the public as well as the college going students. The contraband was found to contain 54 gms., of contraband and further process was undertaken as per procedure and all the three persons were also arrested on the spot.

5.Seeking bail, the petitioners/A1 and A3 have moved these petitions on the ground that the 3rd accused was the friend of the other accused. They were noway involved in the aforesaid transporting of contraband. The case of the petitioner in Crl.O.P. (MD) No.12063 of 2022 is that the case has been falsely foisted upon him.

6.The learned Additional Public Prosecutor for the respondent submits that it is a commercial quantity.

7.The bail application that was moved by these petitioners came to be dismissed by the Special Court on the ground that Section 37 of NDPS Act has not been complied with. Except stating that these petitioners are noway involved in the aforesaid illegal transport as well as selling of contraband, no other material has been brought on record and no convincing and satisfying ground has been made by these petitioners to satisfy the requirement of Section 37 of NDPS Act. On this ground only, the bail applications that were moved by this petitioners came to be dismissed by the Special Court.

8.I find absolutely no reason to differ from the aforesaid finding. The petitioner in Crl.O.P.(MD) No.9443 of 2022 has produced a certificate of excellence in sports tournament. When serious allegation of dealing with contraband has been made, as I mentioned above, it is the duty of the petitioners to satisfy the requirement of Section 37 of NDPS Act. Sufficient material has also been collected during the course of investigation, as it seen from the CD file.



9. So, I find that there is no reason to enlarge the persons on bail now and if they are released on bail, there is no guarantee that they will not commit the similar offence in future. So, they are not entitled for bail at this stage. This Criminal Original Petitions deserve to be dismissed and accordingly, dismissed.

sd/-

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

MM

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
VEDASERI POLICE STATION,
KANYAKUMARI DISTRICT.
- 2 THE INSPECTOR OF POLICE
VEDASERI POLICE STATION,
KANYAKUMARI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL,
NAGARCOIL AT KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) . Nos.9443 and
12063 of 2022

Date :19/07/2022

PKP/VR/SAR-2/21.07.2022/3P/5C