



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 02/08/2022

PRESENT

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

Crl.OP(MD)No.10666 of 2022

Kumar @ Sivakumar

: Petitioner/Accused No.4

Vs.

State rep. By
The Inspector of Police,
NIBCID Police Station,
Nagapattinam District.
(Crime No.15 of 2020)

: Respondent/Complainant

For Petitioner : Mr.V.Karuna, Advocate

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.15 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A4 was arrested, on 25/04/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c), 20(b)(ii)(C), 29(1) and 25 of NDPS Act, in Crime No.15 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21/07/2020 in the earlier hours at 0.03 am, upon the secrete information furnished by the police informer, the police team visited Pushpavanam seashore area and at that time, a boat was identified by the informer. At about 2.00 am, two persons were carrying gunny bags and loaded in the boat. They were identified by the police informer and both the persons were apprehended and they disclosed that their name as Mahendran and Dhanapal. On suspicion search was made, they have found in possession of 36 kgs of ganja. So further process was undertaken as per the procedure and the accused persons were arrested and remanded to judicial custody and this petitioner has been arrayed as A1. He moved bail application before the trial court and the trial court found that section 37 of the NDPS Act has not

<https://www.mca21.in.gov.in/judis>



3.Now seeking bail, this petition has been filed by the petitioner on the ground that except the confession statement of the co-accused, no other material is available to connect the petitioner to the above said offence. But the learned Additional Public Prosecutor would submit that the call details have been collected during the course of investigation to connect this petitioner to the above said offence.

4.Heard both sides.

5.Perusal of the CD file shows that the above said contraband is about to be smuggled to Srilanka. Considering the gravity of the offence, which involves International Ganja Trading, I am of the considered view that this is not a fittest case to enlarge the petitioner on bail. It is also seen that the co-accused is also absconding. So a thorough trial is required in this case.

6.Now the final report is also made ready. At this stage, if the petitioner is released on bail, he may abscond and hamper the trial process, since section 37 of NDPS Act is not complied.

7.In the result, these criminal original petitions are **dismissed**.

sd/-
02/08/2022

/ TRUE COPY /

/09/2022

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

er

TO

- 1.THE OFFICER IN CHARGE,
DISTRICT JAIL, NAGAPATTINAM.
- 2.THE INSPECTOR OF POLICE,
NIBCID POLICE STATION,
NAGAPATTINAM DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10666 of 2022
Date :02/08/2022

RK/VRS/SAR- I (13/09/2022) 2P/4C

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