



WEB COPY



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

Dated: 29/08/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.13648 of 2022

Shaji

... Petitioner/Accused-3

Vs.

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

... Respondent/Complainant

**(*) (Amended as per order of the court
dated 08.08.2022 in Crl.M.P. (MD)
No.9159/2022 in Crl.O.P. (MD)
No.13648/2022 by GIJ)**

For Petitioner : Mr.B.Michel Sebastin, Advocate

For Respondent : Mr.T.M.Senthil Kumar
Additional Public Prosecutor

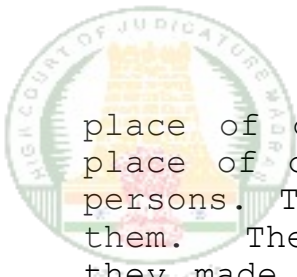
PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.118 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested, on 16/04/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c), 21(c) and 22(c) of NDPS Act, in Crime No.118 of 2022, seeks bail.



place of occurrence along with the police informer and near the place of occurrence, the police informer identified the suspected persons. The de-facto complainant along with police team enquired them. They revealed their name as Bibin, Arul Thulasi, Juji and they made search and they were found in possession of 54 grms of Methylene Dioxy Methamphetamine (MDMA) which is a contraband and as per the procedure, sampling was taken and the persons were arrested and on the basis of the above said occurrence, the case was registered and all the three accused persons were arrested and remanded to judicial custody.

3. Seeking bail, this petition has been filed by the petitioner, who is arrayed as A3. Now the case of the petitioner is that no recovery was made from him. Only on the basis of the confession statement of A1, this petitioner has been implicated in the crime and he was arrested and remanded to judicial custody.

4. The learned Additional Public Prosecutor would submit that the contraband that has been seized from the petitioner along with the co-accused is of the commercial quantity and section 37 of the NPDS has to be strictly complied.

5. The earlier bail application filed by the petitioner came to be dismissed only on 19/07/2022 and absolutely there is no change of circumstances. Within one week, this petition came to be filed.

6. On perusal of the records, repeated applications have been filed by the petitioner was dismissed by the concerned trial court.

7. The learned counsel appearing for the petitioner would submit that no previous case is pending against the petitioner.

8. The learned Additional Public Prosecutor would submit that call details are available to implicate the petitioner in the offence. He is also a college student, who is a habitual offender used to purchase the contraband from Kerala smuggling the same to Tamil Nadu and selling the same to the college going students and other public. According to him, since it is a commercial quantity and section 37 of the NDPS Act has not been complied. In the earlier occasion, there was no compliance as mentioned earlier.

9. The learned Additional Public Prosecutor would submit that section 37 of the NPDS Act must be strictly complied. Except stating that he is also college student only on the basis of the confession statement of the co-accused, he was falsely implicated for the simple reason that he was found in the place of the occurrence and no positive explanation has been offered by the petitioner. As to how and why he was also available with the other accused when the joint possession is implicated, it requires thorough investigation and the investigation is not yet completed. The statutory period is also not over.



10. Considering the fact that commercial quantity is involved, the habitual nature of the petitioner, purchase of the above said contraband from the other State, it is serious in nature.

WEB COPY

11. In the result, this criminal original petition is dismissed.

Sd/-
29/08/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

er

TO

1. THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT.
2. THE SUPERINTENDENT,
() CENTRAL JAIL, PALAYAMKOTTAI,**
TIRUNELVELI DISTRICT.
- (**) (Amended as per order of the court
dated 08.08.2022 in CrI.M.P. (MD)
No.9159/2022 in CrI.O.P. (MD)
No.13648/2022 by GIJ)**
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.13648 of 2022
Date : 29/08/2022

SP/SVR/SAR I/07/09/2022/3P/4C