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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16039 of 2022

Chalapaka Lokeswara Prasad ... Petitioner/Accused
Rank Not Known

Vs

The State rep.by,
The Inspector of Police,
Thadikombu Police Station,
Dindigul District.
(Crime No. 224 of 2022). ... Respondent/Complainant

For Petitioner : M/s. Navaneetharaja K,
Advocate.

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

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

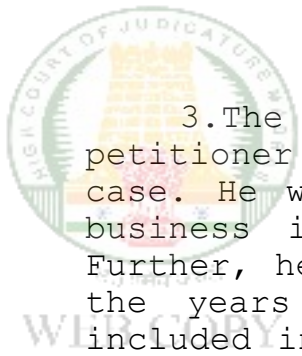
PRAYER :-

For Bail in Crime No.224 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 04.08.2022 for the offences punishable under Section 8(c) r/w 20(b)(ii)(C) & 25 of NDPS Act, 1985, in Crime No.224 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 28.07.2022, at about 01.00 p.m, on secret information, the respondent police went to the place of occurrence. On seeing the police party, the A1 to A4 tried to run away from the place of occurrence. But, the respondent police nabbed the accused and they were found in possession of 34 Kg of Ganja. On the confession statement of the above said accused, present case has been registered against the petitioner.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is running Taxi business in Andhra Pradesh and he is owning number of Taxies. Further, he is an Income Tax Assessee and Income Tax Assessment for the years 2019-2020, 2020-2021, 2021-2022. 2022-2023 were also included in the additional typed set of papers. The petitioner was arrayed as A15. The petitioner's name was not found in the FIR, no contraband was seized from the petitioner and no previous case is pending against him. Only based upon the confession statement of A1 & A4, he was implicated in this case. As per the decision of the Hon'ble Apex Court, a confessional statement under Section 67 of NDPS Act is inadmissible in evidence. Noting that the above said decision of the Hon'ble Apex Court, this Court has already allowed the anticipatory bail application. Except the confession statement, there was no material to connect the petitioner in this case. He has not engaged any such offence and there is no bar under Section 37 of the Act. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that A1 used to purchase contraband along with A6 through A8. That contraband was transported through train from Andhra Pradesh to Dindigul Railway Station by A15 & A20. From there, with the help of A16 to A19, on the instruction of A1 to A6, they transported the contraband in vehicle bearing Registration No.KL-21-C-786, which belongs to A16 & A19. They kept the contraband in the house of A7, where A3 and his wife A5 are residing. A15 namely, Jalabaga Logeswara Prasath, who is residing in Andhra Pradesh. Through him only, all the accused persons purchased contraband from Andhara Pradesh regularly. Further, A15 used to sell Ganja to A11, A12, A13, A14, A16 and A19. A8 to A10 are residing in Andhra Pradesh. They acted as a dealer and through them, the contraband was purchased from Andhra Pradesh, transported to Tamil Nadu and supplied to the other accused.

5.He would further submit that till date 20 persons were arrayed as accused. A5, A6, A7, A9, A10 & A20 are absconding. When the respondent police collecting the call details, it was found that all the accused had large network and also close access in dealing the drug trafficking in Tamilnadu.

6.He would further submit that the petitioner is resident of Andhra Pradesh. He only purchased the Ganja from Andhra Pradesh and distributed the same through out Tamilnadu. 1.100 Kg contraband was recovered from the petitioner. He is the main accused. There was a contact between this petitioner and A1 through video call. To that effect, he has also produced the photograph of A1 and A15. Through him only money transaction was made to the other accused. At the time of arrest, there was a vehicle, which belongs to A13. Further, the contraband involved in this case is commercial quantity and the investigation is in very preliminary stage. Hence, he strongly



7. Considering the facts and circumstances of the case and also considering the facts that the contraband involved in this case is commercial quantity and the investigation is in very preliminary stage, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/11/2022

/ TRUE COPY /

/11/2022

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

dss

TO

1. THE OFFICER IN CHARGE,
SUB JAIL, DINDIGUL.
2. THE INSPECTOR OF POLICE,
THADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16039 of 2022
Date : 03/11/2022

RK/VR/SAR-3 (17/11/2022) 3P/4C