



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 10/01/2022

PRESENT

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

Crl.OP(MD)No.20727 of 2021

Saravanan

... Petitioner/Accused No.5

Vs.

State through
The Inspector of Police,
NIB, CID Dindigul Police Station,
Dindigul District.
(Crime No.36 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

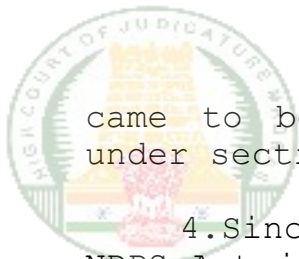
For Bail in Crime No.36 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A5 was arrested on 10/05/2021 and remanded to judicial custody for the offences punishable under sections 8(C) r/w 20 (B)(ii)(C) of NDPS Act, in Crime No.36 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons were found in possession of 50 kgs of ganja.

3.The learned counsel appearing for the petitioner would submit that as per the allegation of the police, all the accused persons were in possession of 50 kgs of ganja and from this petitioner, 25 kgs of ganja have been recovered. The learned counsel appearing for the petitioner would further submit that the contraband recovered from this petitioner was not produced before the concerned court. Now the final report has been filed before the concerned court and there is no question of absconding this petitioner. Further the bail application was moved by this petitioner before the trial court



came to be dismissed on 01/12/2021 stating that twin conditions under section 37 of the NDPS Act was not complied with.

4.Since it is a commercial quantity, complying of section 37 of NDPS Act is mandatory one. So on that ground, the bail application was dismissed excepting stating that concerned contraband produced before the concerned court soon after the recovery, no other ground has been stated.

5.The entire CD file is also perused. It appears that in the occurrence place, the contraband has been seized from the petitioner also and some of the persons have been absconding. If the contraband has been remitted before the concerned court, the petitioner can very well take advantage of the same during the course of trial.

6.Considering the seriousness of the offence and also the contraband that has been involved, if the petitioner is released on bail there is every likelihood of absconding. So I find no reason to differ from the view expressed by the trial court. Accordingly, this petition is **dismissed**.

sd/-

10/01/2022

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/ /2022

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

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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 INSPECTOR OF POLICE,
NIB CID DINDIGUL POLICE STATION,
DINDIGUL DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20727 of 2021

Date :10/01/2022