



WEB COPY



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

Date : 22/11/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.19630 of 2022

Sanmugam

... Petitioner/3rd Accused

Vs.

State rep.by
The Inspector of Police,
NIB-CID,
Dindigul District.
(Crime No.5 of 2022)

... Respondent/Complainant

For Petitioner : Mr.B.Rajesh Saravanan, Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.5 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 30.03.2022 for the offences punishable under Sections 8 (c), 20(b)(II)(c) and Sections 25 of NDPS Act, in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 30.03.2022, based on the secret information given by the informant, the respondent police along with the police party conducted a vehicle check up at Vendasandur to Kakathoppu Vilakku Road Privu, at that time, the petitioner along with others were found in possession of 215 kgs of Ganja. Hence, the complaint.



3. On the side of the petitioner, it is stated that based on the confession statement of the co-accused, this petitioner has been arrayed as A3 and no recovery was made from him. He further submitted that the petitioner is having some physical ailments, he was taking treatment in the jail and he has to be referred to private hospital for better treatment. He further submitted that the investigation was over and charge sheet was already filed. The petitioner is in custody for the past seven months and pray the petitioner to be released on bail.

4. On the side of the prosecution, it is stated that the petitioner and other accused were in possession of 215 kgs of Ganja illegally. The quantity involved in this case is a commercial in nature. The length of the period of custody and considering the fact that the charge sheet was filed were not a ground to consider the bail petition. He relied on a judgment of the Hon'ble Supreme Court reported in **2022 SCC OnLine SC 891**, in the case of **NCB Vs. Mohit Aggarwal**, wherein it is stated that in NDPS Act cases, jail is the rule and bail is an exception. The contraband were seized from the vehicle, wherein the petitioner was present. Whether the petitioner was having knowledge of the availability of the contraband in the vehicle, can be decided only at the time of trial and sufficient medical facilities are given to the petitioner in the jail and prayed the petition to be dismissed.

5. Considering the offence alleged and also considering the fact that the quantity involved in this case is commercial in nature and the fact that the medical facilities are availability in the jail itself, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
22/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsd



- TO
1. THE INSPECTOR OF POLICE,
NIB-CID, DINDIGUL DISTRICT.
 2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19630 of 2022
Date :22/11/2022

SP/BUC/SAR II/28/11/2022/3P/4C