



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

Dated: 13/03/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

Crl.OP(MD)No.3213 of 2023

WEB COPY

Sheik Abdullah

... Petitioner/Accused No.6

Vs.

State represented by
The Inspector of Police,
NIB-CID,
Madurai District.
(Crime No.106 of 2013)

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar, 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.106 of 2013 on the file of the Respondent police.

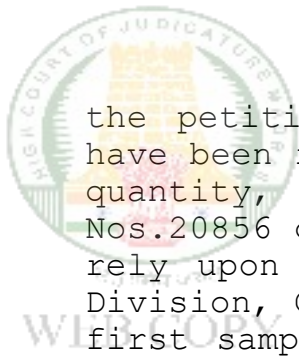
ORDER : The Court made the following order:-

The petitioner, who is arrayed as A6 was arrested, on 27/01/2023 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 21(C) @ 8(c) r/w 21(C), 27A and 29 of NDPS Act, in Crime No.106 of 2013 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06/07/2013 at about 10.15 hours, based on the secret information received, the Inspector of Police, attached to the respondent police conducted raid at Modern Digitech India Limited, Madurai and found 50 grams of heroine. Thereafter, the accused informed the same to the police, pursuant to which, the substance was seized from the shop.

3.Heard both sides.

4.The learned counsel appearing for the petitioner would submit that there is no material to connect this petitioner directly to the above said offence and the business rivalry, even as per the case of the prosecution, is between A1 and the shop owner, in which, this petitioner is no way involved. More-over, the offence of the year 2013 and he is a driver by profession and no summon was also issued, either during the investigation or taking cognizance. To show the permanent residence, he has also produced various documents, which shows that he is the permanent residence of the village mentioned in



the petition. The other ground is that the contraband already recovered from the place of occurrence is a non-commercial quantity, which was also confirmed by this court in Crl.OP(MD) Nos.20856 of 2017 and 20609 of 2013, dated 21/11/2013. He would also rely upon the report of the Forensic Science Laboratory, Narcotic Division, Chennai. Wherein, we find that among two samples sent, the first sample did not contain any contraband. So far as the second sample is concerned, it was confirmed that it is Narcotic drug, which is a non-commercial quantity.

5.Since the co-accused have been already granted either regular bail or anticipatory and the crime of the year 2003 and no steps have been taken by the Investigating Officer to take this petitioner into custody and now the final report has also been filed and also the fact that this petitioner is not involved in other similar nature of the offence, continuation of the custody may not be required, since CC has been taken cognizance in 2016 itself and the trial will also commence soon.

6.Considering the above said aspects, this court is inclined to **grant bail** to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for Trial of NDPS Act Case, Madurai and on further condition that the petitioner shall report before the respondent police daily at 10.30 am, until further orders.

sd/-

13/03/2023

/ TRUE COPY /

13/03/2023

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

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TO

- 1 THE PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, NIB-CID, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VEERAKUMAR.T, Advocate (SR-4053[I] dated 13/03/2023)

ORDER IN

CRL OP(MD) No.3213 of 2023

Date :13/03/2023

RS/MMS/SAR-(13.03.2023) 2P 6C

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