



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.04.2023

PRESENT

The Hon`ble **Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD) . No.5344 of 2023

Nilabar

... Petitioner/Accused No.13

Vs

State rep., by
The Inspector of Police,
Soorankudi Police Station,
Thoothukudi.
(Crime No.142 of 2022)

... Respondent/Complainant

For Petitioner : Mr.Tilak A.W, 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.142/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A13, who was arrested and remanded to judicial custody on 30.12.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 29(1) and 25 of NDPS Act, in Crime No.142 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 03.10.2022 at 16.00 hours, based on the secret information received by the Sub-Inspector of Police, he along with the police party went Kalaiganapuram to Vedapatti Road, while so, there they found the petitioner/accused and co-accused to be in joint possession of 540kgs of ganja. The said contraband was seized by the respondent police and sample has also been taken. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the crime as alleged by the prosecution. On the date of his arrest, he was taken to illegal police custody and the present case has been foisted as against him.

<https://www.jh.gov.in/judis>



He qualified with Catering Technology and he was at trade in Mercantile shipping at Bangalore. Only on the basis of the confession statement of the co-accused, he has been implicated as an accused. That apart, the alleged contraband weighing 540kgs were found in two vehicles. The petitioner neither owner of the vehicle nor the driver of the vehicle and he is no way connected with the other accused persons. So far, the respondent did not complete the investigation and it is pending. The petitioner was arrested and remanded to judicial custody on 30.12.2022. Hence, he prays bail.

4. The respondent filed counter affidavit and the learned Additional Public Prosecutor submitted that on 13.10.2022, based on the material evidence collected during investigation, the respondent police came to conclusions that the accused persons had involved in drug trafficking in a larger network and they had also actively participated in the present criminal case also. After purchasing the contraband, they shifted the same to another vehicle. When the same was intercepted by the police, the accused persons fled away from the scene of occurrence. Based on the confession statement of co-accused, the respondent police came to know that the petitioner along with one Dyson came to the Vaipar Bridge, as per the direction of the petitioner only, the other accused persons parked the vehicle at the scene of occurrence and shifted the contraband from the vehicle bearing Registration No.TN 48 BY 3753 Eicher to vehicle bearing Registration No.TN 69 AD 2630 Bolero Pickup. There are materials available to connect the petitioner in the present case.

5. It is seen that there are totally 20 accused, in which, the petitioner is arrayed as A13. The accused persons were conscious and constructive possession of contraband weighing 540kgs, which is the commercial quantity. However, the petitioner also failed to fulfil the twin conditions as contemplated under Section 37 of the NDPS Act in order to satisfy this Court. Therefore, this Court is not inclined to grant bail to the petitioner. That apart, some of the accused persons are yet to arrest and as such, if the petitioner let out on bail, there is a chance to tamper the evidence. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/04/2023

/ TRUE COPY /

/05/2023

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

rmk



TO

1. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

2. THE INSPECTOR OF POLICE,
SOORANKUDI POLICE STATION,
THOOTHUKUDI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5344 of 2023

Date :20/04/2023

RK/SAR- (25/05/2023) 3P/4C