



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 28/03/2023  
PRESENT

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

CRL OP(MD) . No.5309 of 2023

Muthu

... Petitioner/Sole Accused

**Vs**

The State rep.by  
The Inspector of Police,  
Chekkanurani Police Station,  
Madurai District.  
(Cr No.198/2022).

... Respondent/Complainant

For Petitioner : M/s.Mahendrapathy S,  
Advocate.

For Respondent : Mr.T.Senthilkumar,  
Additional Public Prosecutor

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

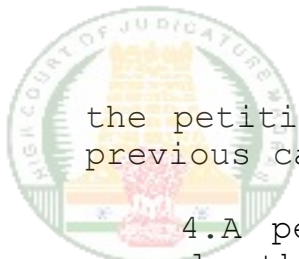
**PRAYER :-** Pleased to enlarge the Petitioners/Accused on bail in CC.NO.1127 of 2022 on the file of the learned Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

**ORDER :** The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 29.05.2022 for the offence under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act in Crime No.198 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 24.600kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that even according to the case of the prosecution, the petitioner was found in illegal possession of 24.600kgs of Ganja on 29.05.2022 and the case was registered in Crime No.198 of 2022 for the offence under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act, whereas, the respondent has sent a report to the Superior Officer as contemplated under Section 57 of NDPS Act, clearly mentioning the date of arrest and recovery as 09.05.2022. But the alleged First Information Report itself was registered only on 29.05.2022. That apart, the petitioner was taken to custody on 28.05.2022 and the CCTV footages were very much available. Therefore, a false case has been foisted as against



the petitioner, since the petitioner has already involved in previous cases of similar in nature.

4.A perusal of the counter affidavit filed by the respondent reveals the fact that the respondent produced the registered FIRs from 09.05.2022 to 29.05.2022. It is consisting the FIRs registered during that period by the respondent. Further, it revealed that the report dated 09.05.2022 is only a typographical error and on seeing the date mentioned in the said report, the respondent also signed as 09.05.2022. That apart even according to the petitioner, he was taken into custody on 28.05.2022 and as such, it is absolutely typographical error and they wrongly stated the date as 09.05.2022. While sending the report to the higher officials under Section 57 of NDPS Act, the petitioner was found in possession of contraband weighing 24.600kgs of Ganja and it is commercial quantity. That apart, the grounds raised by the petitioner can be considered only during the trial before the trial Court. Hence, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of NDPS Act, this Court is not inclined to grant bail.

5.Accordingly, this petition stands dismissed

sd/-

28/03/2023

/ TRUE COPY /

/04/2023

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

SJI

TO

1 THE PRINCIPAL SPECIAL JUDGE

FOR TRIAL OF NARCOTIC DRUGS AND PSYCHOTROPIC  
SUBSTANCES ACT CASES, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,  
CHEKKANURANI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.MAHENDRAPATHY S Advocate SR.No.5087

**ORDER IN**

CRL OP(MD) No.5309 of 2023

Date :28/03/2023

SA/CG/SAR.1/18.04.2023/2P/6C