



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.03.2023

PRESENT

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

CRL OP(MD)No.5612 of 2023

Mohamed Abu

... Petitioner/Accused No.2

Vs

The State represented by
State Represented by
The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.489 of 2022

... Respondent/Complainant

For Petitioner : Mr.M.Jagadeesh Pandian

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

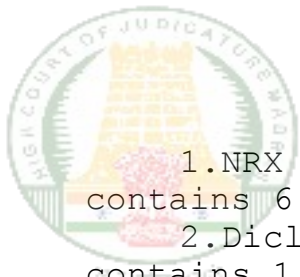
PRAYER :-

For Bail in Crime No.489 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /A2, who was arrested and remanded to judicial custody on 09.07.2022 for the offence under section 8(c) r/w 22C, 25 and 29(1) of NDPS Act, in Crime No.489 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 09.07.2022, at about 16.30 hours, the Sub Inspector of Police attached to the respondent police station had presented a special report and it is stated that at about 07.45 hours, he received a secret information, based on that, he took an inspection at Vanjamman Temple, Amaravathy river bed, at about 08.30 am., they found two persons and on enquiry, they came to know that they were in possession of Narcotic Substances. At that time, A1 had given a confession, wherein he confessed that, he running a pharmacy through which he came to had an acquaintance with A2, through which they brought the narcotic substances. Based on the confession, the following recoveries were made:-



1.NRX Tramadol Hydrochloride Injection-2ml, each 5 bottles, contains 6 pockets ($6*5=30$)

2.Diclofenac Sodium Injection Raligesic-1ml, each 5 bottles, contains 1 pocket ($1*5=5$)

3.Tapentadol Tablets Tapedac- 100mg-each 10 tablets, contains 4 pockets ($4*10=40$)

4.NRX Alprazolam Tablets 05.mg- each 15 tablets, contains 4 pockets, in which 2 pockets ($15*2=30$) another one pocket contains 10 tablets, Nitravet-10,

5.Nitrazepan Tablets IP each 15 three pockets $3*15=45$

6.Dispo Van Single Use Hypodermic Syringe 3ml-2

Above said contraband were seized after taking samples. Thereafter, A2 had given a confession statement through which they recovered 2 tablets (Nitravet-10, Nitrazepan Tablets IP each 15 (two pockets $2*15=30$) and the same were seized. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the tablets recovered from the petitioner are not come under the purview of schedule drug and its comes under the purview of Drugs and Cosmetics Act. There is no material to show that the seized tablets were narcotic drug. He would further submit that the petitioner was arrested on 09.07.2022 and hence, he prayed for bail.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent police would submit that the contraband recovered from the accused persons are coming under the NDPS Act and its commercial quantity. Therefore, the petitioner along with A1 were in constructive and conscious possession of drugs. Therefore, he vehemently opposed to grant bail to the petitioner.

5.Heard both sides and perused the materials available on record including the First Information Report.

6.Admittedly, the petitioner and other accused were in constructive and conscious possession of contraband and its commercial quantity. That apart, the grounds raised by the petitioner to be considered only during the trial. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

27/03/2023

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/04/2023

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

GNS



WEB COPY

- 1 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.5612 of 2023
Date :27/03/2023

SS/BUC/SAR I/28/04/2023/3P/4C