



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21.06.2023
PRESENT

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

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CRL OP (MD)No.10644 of 2023

Saran

... Petitioner/Accused No. 3

Vs

The State rep.by its
The Sub Inspector of Police,
Silaiman Police Station,
Madurai, Madurai District.
(Crime No.377 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.PRABAKARAN, Advocate

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

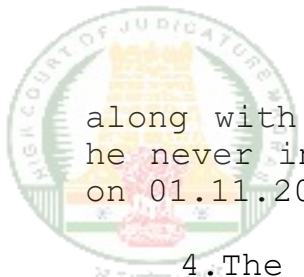
PRAYER :- For Bail in Crime No.377 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 01.11.2022 for the offence under section 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act in Crime No.377 of 2022 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 24.10.2022 at about 7.00 am., based on the secret information, the Sub-Inspector of Police went to patrol duty along with other police officials near Waste Water Recycling Treatment Area and they found four persons in two wheeler and on seeing the police, the persons tried to escape and the respondent caught hold A1 with a gunny bag and they seized 22.5kgs of contraband. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is arrayed as A3. He has been implicated as accused only based upon the confession statement given by A1. The prosecution failed to produce any material to connect the petitioner



along with A1. Though the petitioner involved in other II , he never involved in NDPS cases so far. The petitioner was arrested on 01.11.2022.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that all the accused persons were in possession of contraband weighing 22.5kgs. However, on seeing the police personnel, except A1, other accused persons fled away. Therefore, on the confession of A1, the petitioner has been implicated as accused. He further submitted that the petitioner is having two previous cases.

5.In view of the above, it revealed that the petitioner is implicated only based on the confession statement recorded by A1. A1 was alone found in possession of contraband weighing 22.5kgs. There is no material produced by the prosecution in order to connect the petitioner with A1. Therefore, the petitioner has made out a *prima facie* case in order to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. That apart, he was arrested and remanded to judicial custody on 01.11.2022. Therefore, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a]Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Principal Special Court for trial of the NDPS Act cases, Madurai and on further conditions that:

[b]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c]the petitioner shall report before the respondent police daily at 10.30 A.M. for a period of four weeks and thereafter, as and when required.

[d]the petitioner shall not commit any offences of similar nature.

[e]the petitioner shall not abscond either during investigation or trial.

[g]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the



Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [SCW 5560]. [R

[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

GNS

TO

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

+1. CC to M/S.PRABAKARAN K Advocate SR.No.9311

ORDER

IN

CRL OP(MD) No.10644 of 2023
Date :21/06/2023

SA/VR/SAR. /21.06.2023/3P/6C