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

Dated: 24/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.14165 of 2023

Nilabar

: Petitioners/ A13

Vs.

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

: Respondent/ Complainant

For Petitioner : Mr.A.W.D.Tilak, Advocate

For Respondent : Mr.S.Ravi

Additional Public Prosecutor

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

PRAYER:-For Bail in Crime No.142 of 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 in brief:-

The de-facto complainant along with team of police officials, on receiving a



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secrete information on 03/10/2022 at about 04.45 am, were on surveillance on the Kalaiganapuram to Vedapatti Road. At that time, a bike bearing registration No.TN-69-AD-2630, Eicher vehicle bearing registration No.TN-48-BY-3753 were found parked. On suspicion, they made search and found 10 white bags containing 10 kgs bag and 8 gunny bags containing 30 kgs each, totally 540 kgs of Ganja. Apart from that, they also found kerosene cans. He informed the same to the revenue officials. At about 05.30 pm, the revenue officials came to the spot. In their presence, they seized the above said articles and found 540 kgs of Ganja and 240 liters of Kerosene. Sampling was taken as per the procedure. They seized the vehicle. On the basis of the above said occurrence, a case in Crime No.142 of 202 was registered for the offences stated above.

3. During the course of investigation, the involvement of this petitioner came to light. He was arrested and remanded to judicial custody, on 30/12/2022 and ever since, he is in custody.

4. Seeking bail, this petitioner moved this court in CrI.OP(MD)No.5344 of 2023 and that came to be dismissed on 20/04/2023, considering the grievous nature of the allegation and the specific overtact attributed against him and he has not satisfied the requirement of section 37 of the NDPS Act. After the above said dismissal, this petition has been filed.



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5.The learned counsel appearing for the petitioner would submit that even as per the allegation that has been made against this petitioner, he only shown the way to pass to a particular destination. Even as per the allegation made against the petitioner, on enquiry, the above said vehicle driver he has shown the way to Vedapatti. Except that, he is not involved in the above said offence of transportation of Ganja.

6.Per contra, the learned Additional Public Prosecutor would submit that during the course of investigation, the vehicle document summoned has shown that this petitioner acting as escort on pilot to the vehicle, which carrying the contraband. The mobile contact has also been collected, which shows the involvement of the petitioner with the other accused.

7.In response to the above said argument, the learned counsel appearing for the petitioner would submit that only after three months of the above said occurrence, he was arrested and kept in illegal custody for about a day and he is a well educated person, but unnecessarily implicated in such offences.

8.CDR details have been collected shows that this petitioner was in constant touch with the co-accused namely Dison, Neethi, Sannasi, Vellington and Suba on various dates and various times. The call details have also been made available shows that it is not a simple case of making enquiry and guiding the co-accused to a



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particular destination. So *prima facie*, it is seen that the ground that has been made out by the petitioner is not correct on record. On the basis of the confession statement, the vehicle bearing registration No.TN-96-B-3963 was seized, which was used by the petitioner at the time of the above said occurrence.

9.It is also seen that this petitioner also actively involved in transporting the above said contraband from the container. So, considering the grievousness of the offence and also the enormous quantity of the contraband, if bail is granted, he may abscond and hamper the trial process.

10.Now the final report has been filed before the Special Court, on 10/03/2023. Except stating that the petitioner is not involved in the above said offence, no other material has been brought on record to satisfy the requirement of section 37 of the NDPS Act. I find no reason to entertain this petition.

11.In the result, this criminal original petition is **dismissed**.

sd/-

24/08/2023

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/09/2023

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 NARCOTIC DRUGS AND PSYCHOTROPIC

SUBSTANCES ACT CASES, MADURAI.



2 THE INSPECTOR OF POLICE
SOORANKUDI POLICE STATION, THOOTHUKUDI.

3 THE SUPERINTENDENT,
CENTRL PRISON, PALAYAMKOTTAI, TIRUNELVELI.

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

ORDER
IN

CRL OP(MD) No.14165 of 2023

Date :24/08/2023

SS/VRS/11/09/2023/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023