



1

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 27/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.17000 of 2023

Sivachandran

: Petitioner/ Accused No.6

Vs.

The State Rep.by
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
(Crime No.164 of 2023)

: Respondent/ Complainant

For Petitioner : Mr.P.M.Vishnuvarthanan, 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.164 of 2023 on the file of the Respondent Police.

ORDER:-The Court made the following order:-

The petitioners/A6, who was arrested and remanded to judicial custody, on 10/05/2022 for the offences under sections 8(c) r/w sections 20(b)((ii)(C) and 25 of NDPS Act, in Crime No.164 of 2023 on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



WEB COPY

2.The case of the prosecution is that the de-facto complainant received a secret information that Ganja was transported illegally, Wherein on surveillance at about 01.00 pm near Kumarapuram. At that time, they found the vehicle bearing registration No.TN-92-E-6345, was intercepted. He has stated to be taken to another route. So, they went near Kumarapuram area. At that time, they found the above said vehicle parked. The people engaged in loading boxes. On seeing the police party, all the accused persons escaped from that place. Only Ramesh was present in the above said place. He informed that that above said coconut thope belongs to one Abibu and his parents are maintaining the above said thope. He also stated that one Balan, who is the paternal junior uncle came to that place along with his friends namely Muthu Dinesh and Saruk Raja for taking bath. Following the above said vehicle, another vehicle bearing registration No.TN-92-D-5342 came to that spot and transporting the boxes to the vehicle parked bearing registration No.TN-92-E-6345. After loading the same, Balan, Iruthaya Jenish, Kalimuth and Atriyen went away from that place in another vehicle. They made a search in the vehicle parked TN-94-E-6345. It was found loaded with Ganja. Further process was undertaken as per rules. Vehicles were also seized. They found 120 kgs of Ganja. Based upon the above said occurrence, the case was registered in Crime No.154 of 2023 for the offences as stated above. This petitioner was arrested and remanded to judicial custody.



WEB COPY

3. Seeking bail, this petition has been filed by the petitioner on the ground that absolutely, this petitioner is not involved in the above said offence and he was not at all present; only abandoned vehicle was seized by the police and found in possession 120 kgs of Ganja; Only based upon the confession statement of the co-accused and the information furnished by one Prakesh, he has been wrongly implicated; No other bad antecedent is also reported against him.

4. Per contra, the learned Additional Public Prosecutor would submit that the presence of this petitioner has been verified by the de-facto complainant party and on the basis of the statement, he is also referring to. Wherein, it has been stated that the vehicle parked TN-92-D-5342 was driven by this petitioner, in which co-accused namely Kalimuthu, Bharathi, Iruthaya Jenish and Artiyan came. They loaded the Ganja to the parked vehicle TN-92-E-6345. The present petitioner was also present, when the police team entered into the above said coconut tope. So according the learned Additional Public Prosecutor, the presence of the petitioner has been verified and so the contention on the part of the petitioner that he is noway involved is not correct on record.



WEB COPY

5. Even though, the petitioner is not having any bad antecedent, considering the quantity of the contraband involved, unless the petitioner is able to satisfy the requirement of section 37 of the NDPS Act, he is not entitled for bail.

6. As noted above, there is no explanation on the part of the petitioner for his presence and driving the vehicle to that place. It has been simply stated that he was not at all present in the place of occurrence. If it is so, the name of the petitioner would not have been known to the above said informant. So, this argument is not acceptable considering the commercial quantity. The petitioner also failed to satisfy the requirement of section 37 of the NDPS Act. So, he is not entitled for bail. If released on bail, there is every likelihood of committing the similar offence, while on bail.

7. In the result, both criminal original petition is **dismissed**.

sd/-
27/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



5

er
WEB COPY

To,

1.The Judge,
Principal Special Court for
Trial of Narcotic Drugs and Psychotropic
Substances Act Cases,
Madurai.

2.The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.

3 The Superintendent, Central Prison, Palayamkottai.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.P.M.VISHNU VARTHANAN, Advocate SR.No.14504

CrI.OP(MD)No.17000 of 2023
27/09/2023

MK/06.10.2023 5P 6C

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