



CRL OP(MD). No.20633 of 2023

WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.01.2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.20633 of 2023

Ruban Raj

... Petitioner/ Accused No.2

Vs

**The Inspector of Police,
Karur Town Police Station,
Karur District.
Crime No.597 of 2022**

... Respondent/ Complainant

**For Petitioner : Mr.C.Ezhilarasu, Advocate
for Mr.S.Abdul Rrahuman
Advocate.**

**For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor**

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

PRAYER :-

To enlarge the petitioner/ A2 on bail in C.C.No.89 of 2023 on the file of the learned Special Court for E.C. and NDPS Act Cases, Pudukottai in Crime No.597 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A2, who is facing trial for the offences punishable under
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.20633 of 2023

Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act @ Sections 8(c) r/w 20(b)(ii)(C), 25 and 29 (1) of NDPS Act in C.C.No.89 of 2023 on the file of the learned Special Court for E.C. and NDPS Act Cases, Pudukottai in Crime No.597 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.08.2023 based on the secret information, the respondent police conducted raid at Mochakottampalayam Bus Stop in Karur, at that time, two persons came in a vehicle bearing Registration No.TN-49-AR-3276. On seeing the respondent police, A3 and A4 were turned the vehicle and escaped from the scene of occurrence. But the respondent police surrounded A3 and A4 and on search, they found 1.100kgs of Ganja from them. Thereafter, based on their confession, the respondent police arrested A1 and the petitioner and seized 20kgs of Ganja from them. Hence, the present case has been registered against the petitioner.

3.The learned Counsel for the petitioner submitted that based on the confession statement of the co-accused, the petitioner was implicated in this case and the recovery was made in front of the fifth accused shop and not from the petitioner. He would further submit that even a bare perusal of the recovery mahazar would reveal that no recovery was made from the petitioner and the recovery was made only from A1 and he has been falsely implicated in this case. Hence, he seeks for grant of bail to

the petitioner.

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



CRL OP(MD). No.20633 of 2023

WEB COPY

4.The learned Additional Public Prosecutor for the State as well as the Investigating Officer submits that initially the respondent police recovered 1.100kgs of Ganja from the petitioner's wife/A3 and A4 and based on their confession, they recovered another 20kgs of Ganja from A1, which is a commercial quantity and based on the confession of A1, the petitioner was implicated in this case and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he opposed to grant of bail to the petitioner. However, he fairly conceded that the petitioner is not having any previous case and the investigation has been completed and the charge sheet has already been filed before the concerned Court.

5.Heard the learned counsel on either side.

6.The facts in the present case are not in dispute. Initially, the respondent police recovered 1.100kgs of Ganja from A3 and A4 and thereafter, based on their confession, they recovered 20kgs of Ganja from A1 and thereafter, based on the confession of A1, A2 was implicated in this case. However, no recovery was made from the petitioner and the recovery was made only from A1, A3 to A5.

7.Mr.K.Kannikumar, Special Sub-Inspector of Police, Karur Town Police Station, Karur is present before this Court and also produced the recovery mahazar and on perusal of the recovery mahazar, it reveals that no recovery was made from

A2 and the recovery was made only from A1 alone and the said fact was not disputed

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



CRL OP(MD). No.20633 of 2023

by the Investigating Officer.

8.Considering the facts that the petitioner is not having any previous case and that no recovery was made from the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions:

9.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Court for EC and NDPS Act Cases, Pudukottai, and on further conditions that:

(a)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;

(b) the petitioner is directed to appear before the concerned Court on all hearing dates without fail;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



CRL OP(MD). No.20633 of 2023

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 [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2024

/ TRUE COPY /

03/01/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE SPECIAL JUDGE FOR
EC AND NDPS ACT CASES, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY



CRL OP(MD). No.20633 of 2023

WEB COPY

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

+1. CC to MR. S.ABDUL RAHUMAN, Advocate SR.No. 137(I) DT: 04/01/2024

ORDER
IN
CRL OP(MD) No.20633 of 2023
Date :03/01/2024

PKP/SAR- /03.01.2024/ 6P/ 6C

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