

In the court of the Principal Special Court for EC & NDPS Act Cases, Madurai.

Present : Thiru.V.Padmanabhan, M.A., M.L. D.H.
Additional District Judge / Presiding Officer.

Dated this the 11 th Day of September 2020, Friday

Special Crl.M.P.No. 424 of 2020

...

Maharajan,(23/2020)
S/o.M.G.R

.. Petitioner/Accused.

/Versus/

State through the Inspector of Police,
Sindhupatti Police Station,
Cr.No.38/202

.. Respondent/Complainant.

This bail petition is filed through online/email on 28.08.2020 and taken on file before me finally on this day in the presence of Thiru.M.Kubendran, Advocate for the petitioner and Thiru.P.Seetharaman, Special Public Prosecutor for the State and upon perusing the records this court delivered the following:-

ORDER

1) Heard both sides through conference call.

2) The learned Counsel appearing for the petitioner/accused would submit that the petitioner has been in judicial custody from 22.03.2020 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (C), 25 & 29(1) of NDPS Act; that the petitioner did not involve in this case incident as alleged on prosecution side; no details as to manner of information received, and from where it was received was not stated in FIR; that the procedure S.42(2) of NDPS Act was not followed; that after arrest of accused alleged confession recorded and seizure effected; that no contraband was recovered from the petitioner; that the petitioner is an innocent person; that if the petitioner is released on bail he will abide the conditions of this court and that he may be released on bail.

3) On the other hand, in the objections filed and also during arguments on prosecution side, it is stated that the quantity involved in this case is 120 kgs of ganja; that after receipt of information the concerned Inspector of Police proceeded to the spot along with his team where he stopped two motor cycles and one auto in which the accused

persons are coming; that thereafter he recovered contraband from the auto and also recorded confession statement of first accused; that three accused are absconded; that the petitioner supplied the said contraband; that investigation is pending; that if the petitioner is released on bail he will again involve in similar nature of offence and that petition may be dismissed.

4) From perusal of entire cas records at this stage prima facie material is available to show that on 17.02.2020 when the Inspector of Police along with his team involved in surveillance in the spot totaly 5 accused persons came there in two motor cycles and one auto. On seeing the police team, 3rd accused namely Elango fled away from there. Thereafter, the Inspector of Police recovered 120 kgs ganja from the auto. She also recorded the confession statement of first accused. In the confession statement, he disclosed about his involvement in the offence and also role of the absconded accused namely Elango, petitioner and one Ganesan. Whereupon, 22.03.2020 absconding accused, petitioner was arrested and he also gave confession statement. In the confession statment he also implicated the said absconding accused namely Ganesan. In this way strong prima facie material is available at this stage to show the involvement of petitioner in the incident.

5) For granting bail in a case involving commercial quantity under NDPS Act, satisfaction in terms of section 37 of NDPS Act must be recorded. As discussed above, the accused did not put forth any reasonable grounds for belief that he is not guilty of offence and he is not likely to commit the offence on bail.

6) Considering the above circumstances, serious objections on prosecution side, stage of the case, weight of contraband and in the interest of justice, this court is not inclined to grant bail to the petitioner at this stage.

In the result, this petition is dismissed.

(Sd.) V.Padmanabhan,
Additional District Judge / Presiding Officer,
Prl. Spl Court for EC & NDPS Act Cases,
Madurai.