



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

Friday, the Sixth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12539 of 2017

SANNI JOSEPH

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
NIB CID, THENI.
(CRIME NO.25 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.L.PRABHU, Advocate

For Respondent : Mr.T.MOHAN, Additional Public Prosecutor

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

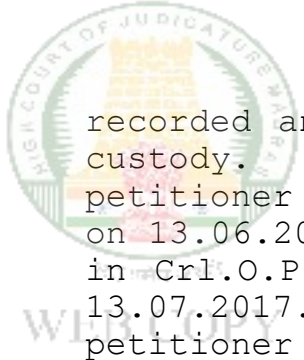
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.02.2017, for the offences punishable under Sections 8 (c) r/w. 20(b)(ii)(C) and 25 of NDPS Act, 1985, in Crime No.25 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is arrayed as A1, along with A2, said to have transported the contraband viz., Ganja in 3 bags, each contain 20 Kgs, totally 60 Kgs, in a car bearing Registration No.KL-11-AT-6579, which was driven by A2. The contraband was seized from the Car by the respondent, on a secret information.

3. The learned counsel appearing for the petitioner states that the petitioner is in prison for more than 7 months and there is no bad antecedents against him.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 2 accused in this case and the petitioner herein is arrayed as A1. A2 was arrested and released on bail by this Court, as per order in Crl.O.P(MD)No.6295 of 2017, dated 18.05.2017. Based on a secret information, the vehicle was intercepted by the respondent Police and 3 bags of Ganja, each contain 20 Kgs, totally 60 Kgs, were seized from the Car, which was driven by A2. The confession of A1



recorded and he was arrested on 08.02.2017 and he is in judicial custody. The earlier bail application moved on behalf of this petitioner in Crl.O.P(MD)No.6592 of 2017 was dismissed by this Court on 13.06.2017. Then another bail application moved by the petitioner in Crl.O.P(MD)No.8832 of 2017 was also dismissed by this Court on 13.07.2017. The 3rd bail application filed on behalf of the petitioner in Crl.O.P(MD)No.9565 of 2017 was withdrawn by the counsel for the petitioner on 30.08.2017. The present application is the 4th application seeking bail on the same set of facts through another counsel. The investigation was completed and charge sheet was also laid and is pending as C.C.No.185 of 2017, on the file of Principal Sessions Court, Madurai. The petitioner belongs to Kerala State. Summons issued to the 2nd accused by the trial Court was also not served upon the 2nd accused. If the accused is released on bail, he will certainly abscond from the clutches of law, since he belongs to Kerala State and the trial of the cases also will be further delayed. The seized contraband is a commercial quantity under NDPS Act. As per Section 37 of NDPS Act, the petitioner is not entitled for bail. The petitioner has to face the trial and the accused, though he is in jail from 08.02.2017 onwards. The petitioner has no previous case of similar type of offence.

5. Considering the above facts and circumstances of the case and also the fact that the seized contraband is a commercial quantity and the petitioner belongs to Kerala State and the matter is pending before for trial and also considering the submission of the learned Additional Public Prosecutor that, if the petitioner is released on bail, he will abscond and the trial proceedings will be further delayed, since the accused belongs to Kerala State, this Court is not inclined to grant bail. Hence, this Criminal Original Petition stands dismissed, directing the petitioner to face the trial before the trial Court in C.C.No.185 of 2017.

6. The trial Court is directed to dispose of the case within a period of four months from the date of receipt of a copy of this order and report the same to this Registry.

sd/-
06/10/2017

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE,
NIB CID, THENI.



2 THE SUPERINTENDENT
CENTRAL PRISON
MADURAI

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE PRINCIPAL SESSIONS JUDGE, MADURAI.

ORDER

IN

CRL OP (MD) No.12539 of 2017

Date :06/10/2017

MPK

SH/RR-BS/SAR-4:11.10.2017: 2P/5C