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CRL OP(MD). Nos.8903 & 8904 of 2019

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

Date : 22/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). Nos.8903 & 8904 of 2019

Pradhip Seetharam Bansode

... Petitioner/Accused No.3
(in CRL OP(MD). No.8903 of 2019)

Naganath Rajaram Patole

... Petitioner/Accused No.2
(in CRL OP(MD). No.8904 of 2019)

Vs

The State rep.by its,
The Inspector of Police,
NIB CID, Madurai.
(Cr.No.225/2017).

... Respondent/Complainant
(in both petitions)

For Petitioners: M/s.M.Jegadeesh Pandian,
Advocate.
(in both petitions)

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor
(in both petitions)

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

COMMON PRAYER :-

For bail in C.C.No.90 of 2018 on the file of the Learned
Principal Special Court for NDPS Act Cases, Madurai.

COMMON ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 8 (c),
20 (b) (ii) (c), 29 (1) and 25 of NDPS Act,1985, Crime No.225 of
2018, seeks bail.



2.The case of the prosecution is that on 30.10.2017, at about 08.15 a.m when the respondent police was on surveillance near Kalliamman temple, near TVS Company, Usilampatti Main Road, a Ford Fussion car bearing Reg.No.MH 12 DY 8276 came and the police party intercepted the said car and found that two persons were in the said car and the accused No.2 was in the driver seat and the accused No.3 was sitting on the side of the driver and after disclosing their identity, the police party enquired with A2 & A3, they have disclosed their names and address and also they have stated that the car belongs to A1 and also stated that they were coming from the State of Maharashtra and on search, it was found in the said vehicle 160 Kgs of Ganja and hence they were arrested and sample were taken. Subsequently, a case was registered against the petitioners and they were remanded to judicial custody.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in the above case. They are in custody from 30.10.2017. He further submitted that already charge sheet has been filed and the police could not secure A1 and hence, the case is pending before the trial Court without any progress for the past more than one and half year and therefore, he prayed to grant bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor has submitted that since A1 is absconding, the police has formed a special team to secure A1, but inspite of sincere efforts taken by the police, he could not be arrested, because he is native of Maharashtra State. He further submitted that Ganja involved in this case is a huge quantity that is 160 Kgs, which comes in the category of commercial quantity. He further submitted that the petitioner belongs to the State of Maharashtra and if they are released on bail they may abscond, and hence, he strongly opposed this petition.

5.These are the sixth applications. Already three petitions were dismissed as withdrawn and two petitions were dismissed on merits. Admittedly, the petitioners belong to the State of Maharashtra. They were found in possession of huge quantity of Ganja weighing about 160 Kgs and the said quantity comes under the category of commercial quantity. The petitioners have not pointed out any change of circumstances after the dismissal of the earlier bail applications. Therefore, this Court is not inclined to grant bail to the petitioners.

6.For the afore said reasons these petitions are dismissed. However, considering the fact that the petitioners are in custody from 30.10.2017 and non-bailable warrant is pending against A1 for the past one year, the trial Court is directed to split up the case



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against the petitioners herein and dispose of the case within a period of six months from the date of receipt of a copy of this order.

sd/-
22/07/2019

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

TO

- 1.THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS CASES, MADURAI
- 2.THE INSPECTOR OF POLICE,
NIB CID, MADURAI
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD). Nos.8903 & 8904 of 2019
Date :22/07/2019

DSS
PK/PN/SAR-4/08.08.2019 : 3P/5C