

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8826 of 2021 in

C.C.No.115 of 2021 in

Crime 37 of 2021

Rajakumari

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
K-11, CMBT Police Station,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in C.C.No.115 of 2021 in Crime No.37 of 2021 pending on the file of the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai.

For Petitioner

: Mr.K.Balasubramaniam

For Respondent/s

: Mr.E.Raj Thilak
Govt. Adv. (Crl. Side)

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 06.02.2021 for the offence punishable under Sections 8(c) and 20(b)(ii)(B) of NDPS Act, 1985 @ Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act in C.C.No.115 of 2021 in Crime No.37 of 2021, seeks bail pending on the file of the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai, seeks bail.

2. Totally there are two accused in this case and the petitioner herein is the first accused. The case of the prosecution is that the petitioner and the other accused were found in possession of Ganja and the allegation against the petitioner is that she was found in possession of 12kg of Ganja.

3. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case and she is in custody for more than 90 days and she is aged 61 years having age old ailments. He further submitted that after completing investigation, a case was registered in C.C.No.24 of 2021 on the file of the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai and the bail application filed by the petitioner was dismissed by the above said court and hence, he

prayed to grant bail to the petitioner.

4. learned Government Advocate (Crl.Side) submitted that the contraband were recovered and after filing final report, a case was numbered and the same is pending for trial in C.C.No115 of 2021. He further submitted that the quantity of the contraband is commercial one and the petitioner is having one previous case and hence, he opposed to grant bail to the petitioner.

5. It is seen that there are two accused and the petitioner herein is the first accused and both the accused were found in possession of 22 kg Ganja and as far as the petitioner is concerned, she was found in possession of 12 kg Ganja. The contraband involved in this case is commercial one and therefore, there is no ground to consider the application to grant bail to the petitioner, as the petitioner has failed to fulfill the requirement, as contemplated under Section 37 of the NDPS Act. It is stated by the learned Government Advocate that the case is pending for Trial before the Principal Special Judge, Principal Special Court under EC & NDPS Act, Chennai and one previous is case pending as against the petitioner. Therefore, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original petition is dismissed.

However, the Trial court is directed to complete the Trial, within six months from the date of receipt of the copy of the order.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mst

To

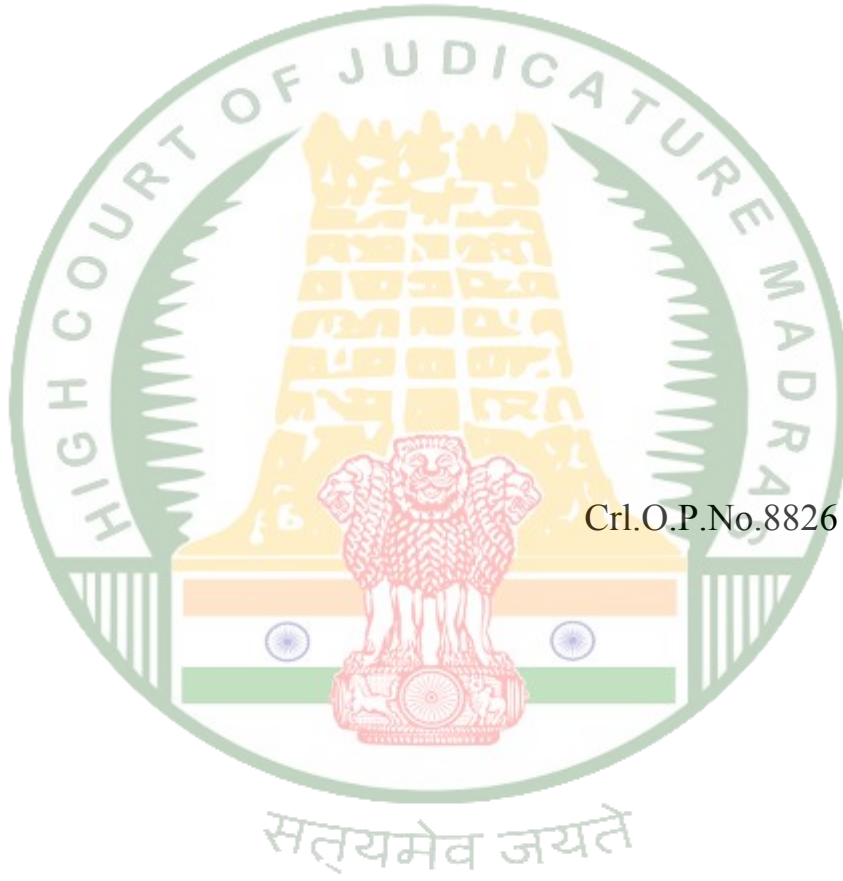
1. The Principal Special Judge,
Principal Special Court under EC & NDPS Act, Chennai,
2. The Inspector of Police,
K-11, CMBT Police Station, Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.

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G.K.ILANTHIRAIYAN, J

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