

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

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

Crl.O.P.No.10095 of 2021 in

C.C.No.24 of 2021 in

Crime No.4637 of 2021

Mariyappan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
H-1, Washermenpet 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.24 of 2021 in Crime No.4637 of 2020 pending on the file of the Special Judge, I Additional 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 19.07.2020 for the offence punishable under Sections 8(c) and 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in C.C.No.24 of 2021 in Crime No.4637 of 2020, seeks bail pending on the file of the Special Judge, I Additional 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 on the petitioner and the other accused were found in possession of 69 kg of Ganja, and the petitioner was transporting the above contraband in a Eicher vehicle.

3. The learned counsel for the petitioner submitted that the petitioner is only a owner of the vehicle and he is falsely implicated in this case and after completing investigation, a case was registered in C.C.No.24 of 2021 on the file of the Special Judge, I Additional 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 the vehicle was seized and after filing final report, a case in C.C.No.24 of 2021 is pending before the Special Judge, I Additional Special Court under EC and NDPS Act, Chennai. He further submitted that the quantity of the contraband is commercial one and the petitioner is having two 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 69 kg Ganja and it was transported in a Eicher vehicle. 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 Special Judge, I Additional Special Court under EC & NDPS Act, Chennai and two previous cases are 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.

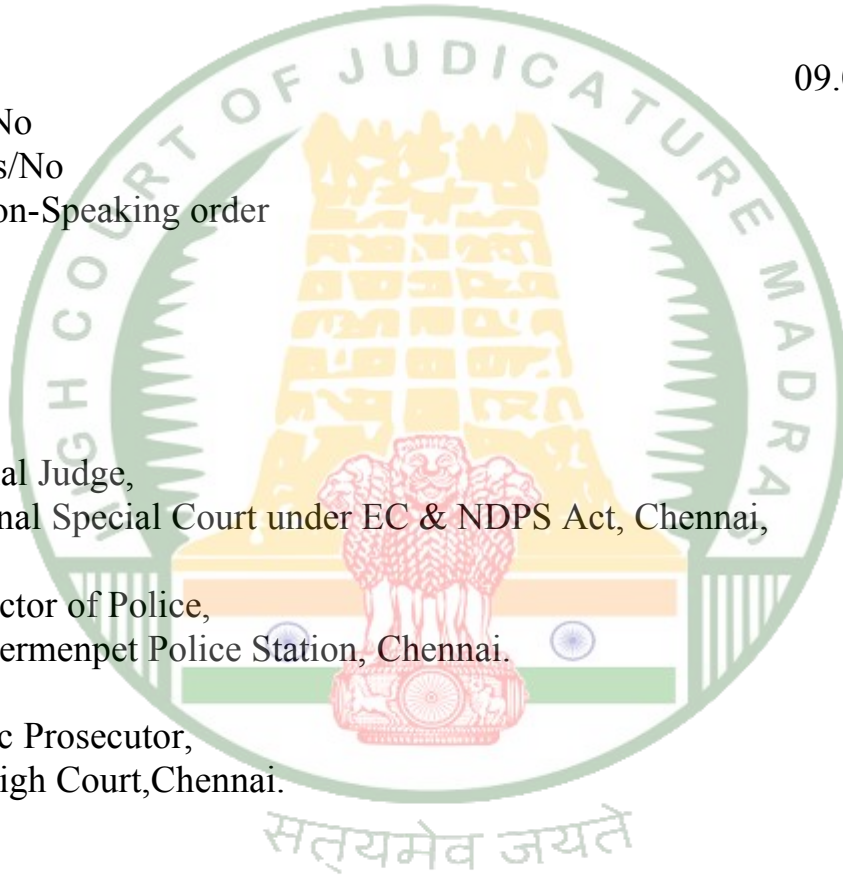
However, the Trial court is directed to complete the Trial, within six months from the date of receipt of the copy of the order.

09.06.2021

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

To

1. The Special Judge,
I Additional Special Court under EC & NDPS Act, Chennai,
2. The Inspector of Police,
H1, Washermenpet Police Station, Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.

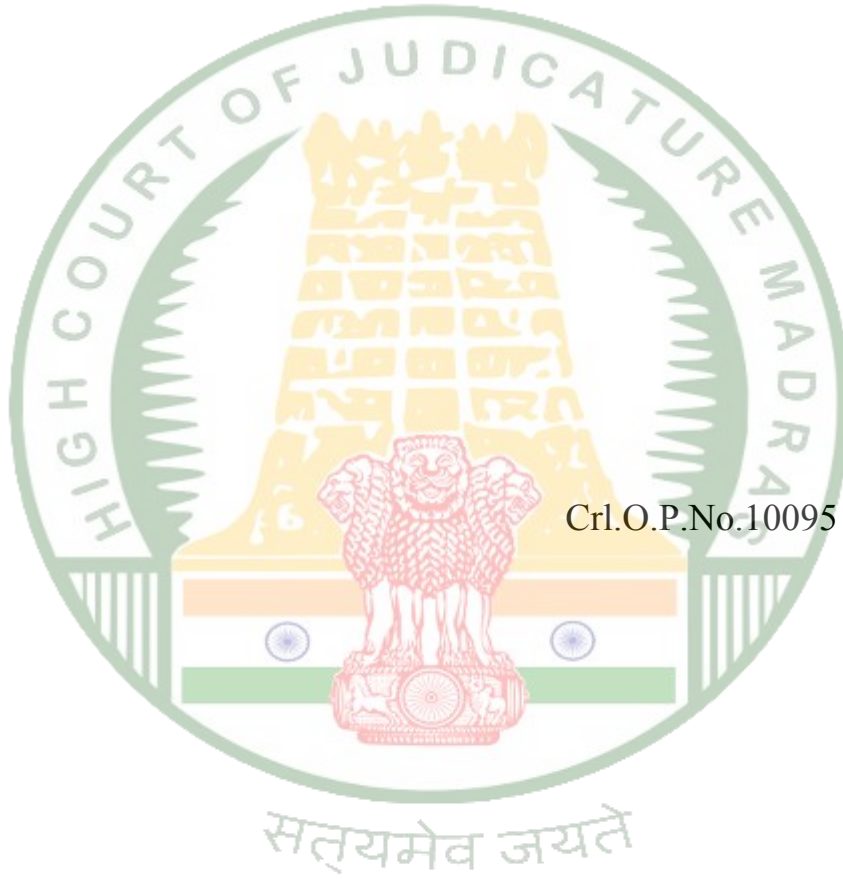


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G.K.ILANTHIRAIYAN, J

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