



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

Date : 15/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.7367 of 2021

Ananthan

... Petitioner/Accused No.2

Vs

State rep. by Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone, Madurai.
(NCB.F.No.48/1/01/2018-
NCB/MDU).

... Respondent/Complainant

For Petitioner : Mr.P.Senguttuarasan,
Advocate.

For Respondent : Mr.C.Arul Vadivel @ Sekar,
Special Public Prosecutor for NCB Cases

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

PRAYER :- To enlarge the petitioner on bail in
NCB.F.No.48/1/01/2018-NCB/MDU pending investigation on the file of
the Respondent and thus render justice.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Special Public Prosecutor appearing for the respondent.

2. The petitioner is arrayed as accused No.2. He was arrested
and remanded to Judicial Custody on 10.01.2018 for the offences
punishable under sections 8(c) r/w 20(b)(ii)(c), 25, 27(A), 28 and
29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in
NCB.F.No.48/1/01/2018/NCB/MDU on the file of the respondent police.
He seeks bail.

3.The petitioner's counsel would point out that even though
directions have been given for conclusion of the trial, the case is
yet to be disposed of. The petitioner cites prevalence of the
pandemic times and calls upon the Court to grant interim bail.



4.It is true that the Court had given directions for conclusion of the trial and that on account of the default by the prosecution, the trial did not even take off.

5.Taking note of the said aspects, vide order dated 20.01.2021 in Crl.O.P.(MD)No.15205 of 2020, I had directed the respondent to pay a sum of Rs.1,00,000/- as compensation to the wife of the petitioner. I had directed the trial Court to conclude the trial within a period of three months. But when I passed the order, I did not anticipate that the second wave of COVID-19 would take a serious turn. The Hon'ble Chief Justice had directed the trial Courts to suspend the regular work also. Notwithstanding the difficulties, the prosecution appears to have produced all the witnesses. In fact, some of them have been cross-examined.

6.I am satisfied that the prosecution had shown their bonafides. The case has been adjourned to 01.07.2017. The learned Special Public Prosecutor states that they are ready to extend their fullest co-operation for conclusion of the trial at the earliest. I am not in a position to stipulate any time limit in this petition because of the uncertain times which we are now presently facing. The petitioner is shown as an accused in a case involving commercial quantity. The respondent has intercepted and seized 350kg of ganja which were kept in 177 pockets. The petitioner's earlier bail petitions were dismissed on merits. In a case of this nature, there cannot be any change in circumstance.

7.As rightly pointed out by the learned Special Public Prosecutor, prevalence of COVID-19 cannot be a ground for granting interim bail in a case of this nature.

8.This Criminal Original Petition stands dismissed.

sd/-
15/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE, MADURAI.

2 THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.

3 THE SPECIAL PUBLIC PROSECUTOR FOR NCB CASES,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7367 of 2021

Date :15/06/2021

RMI

MS/MNR/SAR-4/23.06.2021/3P.4C