



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14176 of 2021

Chelladurai ... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
Crime No.60 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Sathya Chithambaram,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor.

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

PRAYER :-For Bail in Crime No.60 of 2021 on the file of the Respondent police.

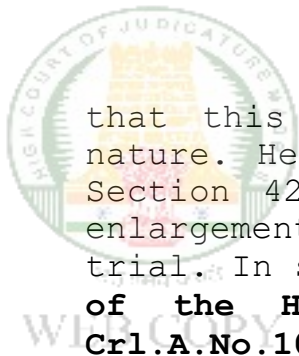
ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 19.01.2021 for the offence under Section 8(c) r/w 20(b)(ii)(C) and Section 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.60 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and co-accused were found in illegal possession of 33.300 kilograms of ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the respondent police have not complied with the mandatory procedure under Sections 42 and 50 of the NDPS Act and in this case, investigation is completed and charge sheet has also been laid in C.C.No.257 of 2021. He would further submit that the petitioner has not committed any offence as alleged by the prosecution. He is in judicial custody from 19.01.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police is strongly opposed for grant of bail on the ground



that this petitioner is having one previous case of similar in nature. He would further submit that the statutory violation under Section 42 of the NDPS Act cannot be considered at the time of enlargement of bail and it can be considered only at the time of trial. In support of his contention, he has relied upon the **judgment of the Hon'ble Apex Court reported in LL 2021 SC 489 in Crl.A.No.1043 of 2021 (Union of India through Narcotics Control Bureau, Lucknow Vs. Md.Nawaz Khan).**

5.Considering the submission made by learned Additional Public Prosecutor and also the antecedent of the petitioner, this Court is not inclined to grant bail.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
07/10/2021

/ 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 INSPECTOR OF POLICE
S.S.COLONY POLICE STATION, MADURAI CITY.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14176 of 2021
Date :07/10/2021

PNM/MSA
MK/PN/SAR.III/22.10.2021/2P/4C