



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

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15460 of 2021

WEB COPY

Kaleeswaran

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Keeraithurai Police Station,
Madurai City.
Crime No.4 of 2021

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian M,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

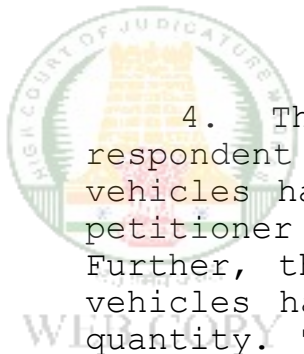
For Bail in Crime No.4 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 03.01.2021, for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 and 29 (1) of NDPS Act, in Crime No.4 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent police conducted a vehicle check-up on 03.01.2021 and during the inspection, 2 two-wheelers passed on the road and on seeing the police officials, both the vehicles tried to flee away from the scene of occurrence. But, the respondent Police caught hold of them and on enquiry, they found two gunny bags (each bag contains 15 kgs. of ganja) in both the vehicles.

3. The learned counsel for the petitioner submits that the allegation levelled against the petitioner is a false one. The petitioner is alleged to have driven one of the two-wheelers, wherein 15 kgs. of ganja has been recovered. Since the recovery from this petitioner is only 15 kgs of ganja, the provisions under Section 37 of NDPS Act would not be attracted as against the petitioner. However, he has been languishing in jail from 03.01.2021. Hence, he prayed for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent Police opposed for grant of bail stating that both the vehicles have been intercepted and recovery has been made from the petitioner and other accused persons at the same point of time. Further, the investigation reveals that the contraband in both the vehicles have been transported in a similar manner and in similar quantity. Therefore, there is a nexus between the accused persons and the case has been registered as against the four accused.

5. Considering the nature of offence and also the fact that the contraband has been recovered from the petitioner and in view of provisions under Section 37 of NDPS Act, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

6. At this juncture, the learned counsel for the petitioner submits that in this case, the investigation was over and a charge sheet has also been laid in this case. Since the petitioner has been languishing in jail from 03.01.2021, he prays for speedy trial.

7. Considering the request made by the learned counsel for the petitioner and also considering the period of incarceration, the trial Court is directed to take on file the charge sheet and complete the trial, within a period of four months from the date of receipt of a copy of this order.

sd/-
25/10/2021

/ 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,
Keeraithurai Police Station,
Madurai City.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

ORDER

IN

CRL OP (MD) No.15460 of 2021

Date :25/10/2021

RS/PN/SAR2 (11.11.2021) 3P 3C