



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.401 of 2022

Harichandran @ Pandi

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City, Madurai District.
Cr.No 222 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Selvakumar.S,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.222 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5 herein, who was arrested on 26.06.2021 for the alleged offence under Sections 8(c) r/w 20(b) (ii) (C) of NDPS Act r/w. Section 83(2) of the Juvenile Justice Act 2015 in Crime No.222 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police conducted a raid along with police party at the place of occurrence, the petitioner along with other accused were found in possession of 24.00 kgs. Kanja. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is not in connected with the offence as alleged by the prosecution. He would further submit that there is no seizure mahazar prepared on the spot. All documents are computerized document only. It creates doubt about the genuineness of recovery and preparation of documents. Only after a lapse of a week the



property has been produced before the concerned Magistrate.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner is having no previous case. The petitioner did not satisfy the twin condition of Section 37 of NPDS act. It is a commercial quantity. No bail can be granted to the petitioner. Charge sheet has been filed before the trial Court in C.C.No.329 of 2021.

5.Considering the nature of offence and considering that the charge sheet has been filed and taken cognizance, this court is not inclined to grant bail to the petitioner. However, there shall be a direction to the concerned trial Court to expedite the trial process in C.C.No.329 of 2021 in Cr.No.222 of 2021 on the file of the respondent police and dispose of the same within a period of five months after resumption of normal work.

6.With the above directions, this Criminal Original Petition is dismissed.

sd/-
12/01/2022

/ TRUE COPY /

/ /2022
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 I ADDITIONAL SPECIAL JUDGE FOR NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE
THIDEER NAGAR POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.401 of 2022
Date :12/01/2022

RS/VR/SAR.2(01.02.2022) 2P-6C

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