



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.807 of 2022

Christhudhas

... Petitioner/Accused (A2)

Vs

State repby

The Inspector of Police,

Vadasery Police Station,

Kanyakumari District.

(Crime No.458/2021)

... Respondent/Complainant

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

For Respondent : M/s.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.458 of 2021 on the file of the Respondent Police.

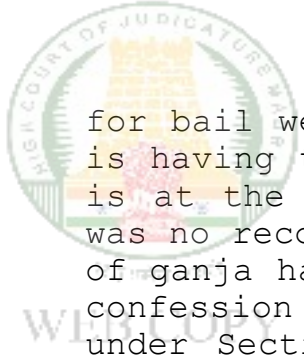
ORDER : The Court made the following order :-

The petitioner, who was arrested on 21.07.2021, for the offences punishable under sections 8(c) and 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.458 of 2021, seeks bail.

2.The case of the prosecution is that on 21.07.2021, the sub inspector of police and his team went for a raid at Vadasery Kangamoolam Santhai and they found that the petitioner along with two other accused was in possession of 21 kgs of Ganja for sale.

3.The learned counsel appearing for the petitioner submits that this is the third petition filed by the petitioner for bail. The earlier petitions were dismissed by this Court on 25.10.2021 and 21.12.2021. He further submits that the petitioner is ready to abide by any conditions imposed on him by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that this is the third bail petition. Earlier petitions filed by the petitioner



for bail were dismissed by this Court observing that the petitioner is having two other cases pending against him and the investigation is at the initial stage. It is further observed that though there was no recovery from the petitioner, the entire contraband of 21 kgs of ganja has been recovered from A1, who was arrested, based on the confession statement of the petitioner and in view of the provisions under Section 37 of NDPS Act, the petitioner was not entitled for the relief of bail. Further, as of now, there is no change in circumstances.

5. Considering the observations made by this Court as above, and since there is no change in circumstances, after the dismissal of earlier petition, this Court is not inclined to grant bail to the petitioner. However, considering the period of incarceration, the trial Court is directed to conclude the trial within a period of six months from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Original Petition is dismissed.

Sd/-
27/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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,
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.807 of 2022
Date : 27/01/2022

SP/SBN/SAR II/16/02/2022/2P/4C