



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

Date : 17/03/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.4781 of 2022

Suriya @ Yesu

... Petitioner/Accused No.3

Vs.

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

... Respondent/Complainant

For Petitioner : Mr.C.Karthikeya,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

To release the petitioner / accused on bail in C.C.No.329 of 2021, on the file of the Principal Special Court for EC and NDPS Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner/Accused No.3 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 and the same was taken on file as C.C.No.329 of 2021 on the file of the Principal Special Court for EC and NDPS Cases, Madurai, seeks bail.

2.The case against the petitioner is that he was found in joint possession of 24 kilograms of ganja and a case in Crime No.222 of 2021 was registered against the petitioner and others and the case was taken on file as C.C.No.329 of 2021 on the file of the Principal Special Court for EC and NDPS Cases, Madurai. The petitioner was arrested and is in custody.



3.The petitioner has filed a petition in Crl.M.P.No.1114 of 2021 before the Special Court for bail. That petition was dismissed by the Special Court. Hence the petitioner come forward with the present petition for bail. An earlier bail petition filed by the petitioner before this Court in Crl.O.P.(MD)No.262 of 2022 was dismissed on 07.01.2022.

4.On the side of the petitioner it is stated that the petitioner is A3 in this case. There are 7 accused in total. The allegation against the petitioner is joint possession of Ganja. All the documents filed by the respondents are printed type of documents. The petitioner was arrested on 26.06.2021. The property was produced before the Court only on 10.07.2021. There was a delay of 10 days in producing the contraband before the Court. There is no allegation of the petitioner being in possession of contraband individually. All the contrabands were recovered only from the first accused. The first accused alone has given an confession statement. There was no recovery from the petitioner. Confession statement was not recorded from the petitioner. The petitioner is having no previous case.

5.On the side of the respondent, it is stated that the quantity of contraband involved is commercial in nature. The petitioner is having two previous cases. The twin conditions under Section 37 of NDPS Act were not satisfied and prayed the petition to be dismissed.

6.On the side of the petitioner, it is stated the other two cases are under IPC offences and they are not similar in nature.

7.The offence against the petitioner is serious in nature. The contraband involved is 24 kilograms. Considering the seriousness of the offence, this Court is not inclined to release the petitioner on bail.

8.Accordingly this Criminal Original Petition is dismissed.

sd/-
17/03/2022

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/ /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



TO

1. THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4781 of 2022
Date :17/03/2022

USK/PN/SAR-I/21.03.2022/3P/5C