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

Dated: 29/06/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.6514 of 2022

Naveen Kumar

... Petitioner/Accused No.3

Vs.

State represented by
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Crime No.638 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian, Advocate

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

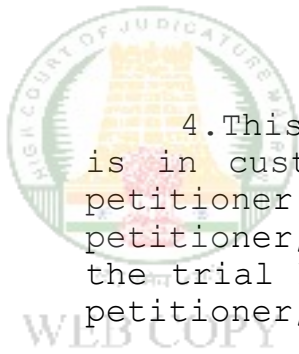
PRAYER :-

For Bail in Crime No.638 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested, on 02/09/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b), (ii) (C) and 29(1) of NDPS Act, in Crime No.638 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that 02/09/2021 at about 7.00 am, on a tip off, the police team went to place of occurrence and looking for the accused persons, at about 7.45 am, they found three persons namely Surender, Jeyasuriya and Naveen Kumar with a luggage. They were enquired and searched. On search, they found 21 kgs of Ganja. The accused persons were arrested on the spot itself and later, remanded to custody. The contraband was also produced before the concerned court on the next day that is on 03/09/2021.



4.This petitioner was arrested on 02/09/2021 and ever-since, he is in custody. The detention order, that was invoked against the petitioner was also set aside by this court. According to the petitioner, he is in custody ever-since from the date of arrest and the trial has not commenced so far. Considering the duration of the petitioner, he must be enlarged on bail.

5.The learned counsel appearing for the petitioner would further submit that no contraband has been recovered from the petitioner and on the basis of the confession statement of the first accused, from whom the contraband has been seized, this petitioner has been implicated. But however, from the perusal of the CD file and the FIR, it is seen that on the spot itself, all the three accused persons have been arrested. Simply because, A1 was carrying the load of Ganja, it cannot be contended that this petitioner was not found in possession of the contraband.

6.Investigation reveals that all the three accused persons said to have purchased Ganja from Andhra Pradesh in a routine manner, transporting the same to various places in Tamil Nadu and selling. It is a commercial quantity. Naturally, section 37 of the NDPS Act must be complied by the petitioner.

7.It is the contention on the part of the prosecution that the petitioner is not having good conduct and now final report has been filed before the concerned court and taken cognizance in CC No.66 of 2022 and the case is posted on 27/06/2022 for engaging counsel.

8.Except stating that no contraband has been recovered or seized from the petitioner, no other satisfactory ground has been made out to comply the section 37 of NDPS Act. So, the petitioner is not entitled for bail.

9.In the result, this criminal original petition is **dismissed**. But however, considering the duration of the custody of the petitioner and final report has been filed, there shall a direction to the trial court to expedite the trial process and complete the same, within a period of six months from the date of receipt of a copy of this order. If the trial could not be completed within the time stipulated by this court, the petitioner can approach the concerned court seeking bail.

10.With the above said direction, this criminal original petition stands **dismissed**.

Sd/-
29/06/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.II)
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.

WEB COPY

TO

1. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6514 of 2022
Date :29/06/2022

SP/SVR/SAR II/01/07/2022/3P/4C