



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/04/2022
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.7108 & 7109 of 2022

Ganesan

... Petitioner/Accused No.3
in Cr1.Op(MD)No.7108 of 2022

Thanuskodi

... Petitioner/Accused No.5
in Cr1.OP(MD)No.7109 of 2022

Vs

State Rep.by
The Inspector of Police,
Nibcid, Theni,
Theni District.
Crime No.28 of 2021.

... Respondent/Complainant
in both Cr1.OP's

In both Cr1.OP's

For Petitioners : M/s.S.Mahendrapathy, Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Cr1.Side)

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

COMMON PRAYER :-

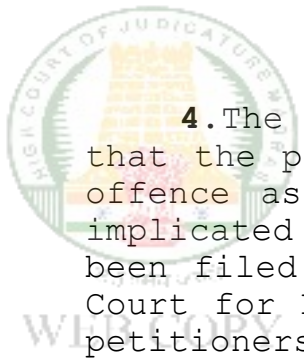
For Bail in Crime No.28 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Cr1. Side) appearing for the respondent.

2.The petitioners/Accused No.3 & 5, who were arrested by the respondent police for the alleged offences punishable under sections 8(c) r/w 20(b) (ii)(C), 25 and 29(1) of NDPS Act, 1985 in Crime No.28 of 2021, on the file of the respondent police, seek bail.

3.The case of the prosecution is that on 20.01.2021, at about 6.30 hours, the respondent police, on secret information, conducted raid near Cumbum Mettu Area, Bye-pass Road, Cumbum and on search, they found that the petitioners and other accused persons were in possession of 52 kgs of ganja and the contraband was seized. Hence, the case.



4.The learned counsel appearing for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that charge sheet has been filed and the same was taken on file by the Principal Special Court for EC and NDPS Act Cases, Madurai in CC No.383 of 2021. The petitioners are languishing in jail from 20.01.2021.

5.The learned Additional Public Prosecutor appearing for the respondent submits that totally there are eight accused in this case. On the date of occurrence, all the accused were present and the entire contraband was also recovered from them. In earlier occasion, this Court directed the trial Court to dispose of the case within a period of four months from the date of receipt of a copy of that order. Since the post of Presiding Officer in the particular Court was vacant, the trial could not be completed within the stipulated time. Now, the Officer has been posted and he undertakes to produce the witnesses on the next date of hearing.

6.Considering the quantum of contraband involved in this case, this Court is not inclined to grant bail to the petitioners. However, considering the period of incarceration, the trial Court is directed to dispose of the case in CC No.383 of 2021 as per order of this Court in Crl.O.P(MD) Nos.15507 & 15509 of 2021, dated 25.10.2021.

7.Accordingly, these Criminal Original Petitions are dismissed.

sd/-

27/04/2022

/ TRUE COPY /

20/05/2022

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

TO

- 1 THE PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, NIBCID, THENI, THENI DISTRICT.
- 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.7108 & 7109 of 2022
Date :27/04/2022

RS/SVR/SAR.2 (20.05.2022) 2P-6C

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