



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.04.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.7759 of 2022

Sivankalai

...Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.1879 of 2020)

... Respondent/Complainant

For Petitioner : Mr.V.Santhakumaresan, Advocate

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For bail in Crime No.1879 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 27.09.2020 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act, in Crime No.1879 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 21 kgs. of ganja. Hence, the complaint.

3. This is the second bail petition. The first bail petition filed in Crl.O.P.(MD)No.14232 of 2021 was dismissed by this Court, by order dated 07.10.2021, on the ground that the petitioner is also involved in another case of similar in nature.

4. According to the learned counsel for the petitioner, the petitioner is not having any previous case.

5. However, the learned Additional Public Prosecutor opposed for grant of bail and furnished the details of previous case that



the petitioner is also an accused in Cr.No.60 of 2018 on the file of the NIBCID, wherein, 300 kgs. of ganja were seized from the petitioner.

6. Considering the objection made by the learned Additional Public Prosecutor and also considering the quantity of contraband involved in the previous case and also in the present case and in view of provisions under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

7. At this juncture, the learned counsel for the petitioner submits that in this case, a charge sheet was filed and the same has also been taken on file in C.C.No.178 of 2021. Since the petitioner has been languishing in jail from 27.09.2020, he prays for speedy trial.

8. Considering the request made by the learned counsel for the petitioner and also considering the period of incarceration, the trial Court, namely, the Principal Special Court for EC and NDPS Act cases, Madurai, is directed to complete the trial and dispose of the case in C.C.No.178 of 2021, within a period of six months from the date of receipt of a copy of this order.

Sd/-

26/04/2022

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

OGY
TO

1. THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION,
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.7759 of 2022
Date :26/04/2022