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Crl.OP(MD)



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/07/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.8641 of 2022

1.Aasai

2.Bhuvaneswaran

...Petitioners/Accused Nos.1 & 2

Vs.

The State Rep. By
Inspector of Police,
NIBCID Trichy P.S.
Trichy District.
(Crime No.3 of 2022)

... Respondent/Complainant

For Petitioners : Mr.T.Kumar, Advocate

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

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

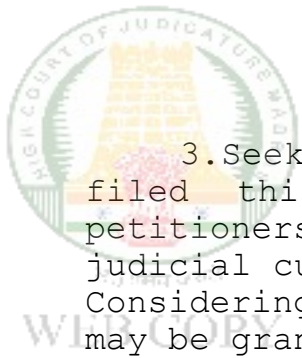
PRAYER :-

For Bail in Crime No.3 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 were arrested on 24/03/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b)(ii)(c) and 25 of NDPS Act, in Crime No.3 of 2022, seek bail.

2.The case of the prosecution is that on 23/03/2022 at about 1.45 pm, the respondent on a secret information that Ganja has been transported illegally, so along with his team, he went to the place of occurrence, at about 2.30 pm and were watching. At that time, they intercepted a car bearing registration No.TN-74-AM-5159. The occupants were one Aasai and Buvaneshesari. On search, it was found that 22 kgs of Ganja was found. Based upon the above said incident, further process was undertaken and the case was registered.



3. Seeking bail, the petitioners, who is arrayed as A1 and A2 filed this petition. The learned counsel appearing for the petitioners would submit that they were arrested and remanded to judicial custody, on 24/03/2022 and ever-since, they are in custody. Considering the period of incarceration, they requested that bail may be granted to them.

4. The earlier bail application, that was filed by the petitioners came to be dismissed by the trial court, by order, dated 29/04/2022 in Crl.MP No.835 of 2022.

5. The learned Additional Public Prosecutor would submit that CDR details of the petitioners have been collected and found that they are having a big net work. Since it is a case of commercial quantity, the petitioners have to satisfy the requirement of section 37 of the NDPS Act. Except stating that they are in custody for more than several months, no other ground has been raised.

6. It is seen that against A1, cases have been registered in Crime Nos.215 of 2014, 220 of 2015 and 55 of 2022, which are similar in nature and are pending. This shows the habitual nature of the 1st petitioner/A1. Having obtained bail in one case, indulged in another activity, again obtained bail. This is the nature and conduct of the first petitioner/A1. Such a person is not entitled for bail and he has to face the trial in custody. Since the first petitioner/A1 was arrested along with the contraband, no other valid ground is available to the 1st petitioner/A1.

7. In respect of the second petitioner/A2, he was also arrested on the spot along with A1. In respect of the 2nd petitioner also, a case in Crime No.15 of 2022 is pending on the file of NIB-CID, Salem, which is also commercial quantity.

8. It is the contended on the part of the learned Additional Public Prosecutor that the second petitioner also involved in the above said big network, who used to purchase Ganja from Andhra Pradesh, transporting the same to the Tamil Nadu and distributing throughout the State. So, the learned Additional Public Prosecutor would submit like that of the first petitioner/A1, the second petitioner/A2 is also a habitual offender. So if the petitioners are granted bail, both of them will abscond and tamper the trial process. Like that of the first petitioner, it is seen that the second petitioner/A2 has also not complied the conditions contemplated under section 37 of NDPS Act. Except stating that ever-since from the date of arrest, he is also in custody, no other valid ground to satisfy the requirement of section 37 of the NDPS Act is available to him. So the second petitioner is also equally not entitled to bail.



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9. In the result, this criminal original petition is dismissed and accordingly, it is dismissed.

sd/-

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

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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
NIBCID TRICHY POLICE STATION,
TRICHY DISTRICT
- 2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8641 of 2022

Date :01/07/2022

PKP/SVR/SAR-4/08.07.2022/3P/4C