



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

Date : 21/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.8802 of 2022

Vimal ... Petitioner/Accused No.3

Vs

The Inspector of Police,
NIBCID,
Trichy.
Crime.No.15/2021. ... Respondent/Complainant

For Petitioner : Mr. Arunraj K,
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. 15/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3 herein, who was arrested on 04.05.2021 for the alleged offence under Section 8 (C) r/w 20(b) (ii) (C) and 25 of Narcotic Drugs and Psychotropic Substances Act in Crime No.15 of 2021, on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that the petitioner is only a cleaner of the vehicle, which belongs to A1 and he is not involved in the aforesaid transport of contraband.

3.The learned Additional Public Prosecutor submitted that all the accused persons have been arrested along with contraband in the presence of police and they have been remanded to judicial custody



on 04.05.2021. The bail application that was moved by A1 was dismissed by this Court in Crl.O.P.(MD) No.18561 of 2021, vide order dated 23.03.2022. This petitioner is also standing in the very same footing as that of the 1st accused even he is an employee of the 1st accused.

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4. In the facts and circumstances of the case that Section 37 of NDPS Act came into operation and except stating that the petitioner is only an employee, no other material has been placed or produced by the petitioner to show that he has not involved in the aforesaid occurrence.

5. It is further submitted by the learned counsel for the petitioner that the petitioner being an employee cannot be roped into the aforesaid transport of contraband, in which he is only a cleaner. However, all those things cannot be taken into account at this stage. It is a matter for trial.

6. I find absolutely that there is no change of circumstances. However, considering the fact that the petitioner is in custody for more than a year, there shall be a direction to the trial Court to complete the trial within a period of 5 months from the date of receipt of a copy of this order. If the trial is not completed within the aforesaid time, then the petitioner can workout his remedy before the appropriate forum through appropriate proceedings.

7. With the aforesaid directions, this Criminal Original Petition is dismissed.

sd/-
21/06/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

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 Superintendent,
Central Prison,
Trichy.
2. The Inspector of Police,
NIBCID, Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO
THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKKOTTAI.

ORDER
IN
CRL OP (MD) No.8802 of 2022

TR/GSV/SAR-II (30.06.2022) 3P 5C