



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.8831 of 2022

WEB COPY

1.Arunkumar @ Pannirendu
2.Muniyasamy

... Petitioners/Accused No.4 & 6

Vs

State Rep.by
The Inspector of Police,
NIB-CID Police Station,
Madurai District
(Crime No.32 of 2021).

... Respondent/Investigation Officer

For Petitioners : Mr.Sathish Kumar 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.32 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A4 and A6 herein, who were arrested on 18.08.2021 for the alleged offences under Section 8 (c), 20(b) (ii) (C), 25 and 29(1) of NDPS Act and Section 25(1A) of Arms Act in Crime No.32 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution in brief is as follows:-

3.On 13.06.2021 at about 07.00 am., on the basis of the secret information, the police team along with the police informer went to CMS Porikadalai Mill Junction, Periyasami Nagar, Avaniyapuram, Madurai Town. At that time, the informer identified a two wheeler bearing Reg.No.TN 37 BQ 2812 and another auto bearing Reg.No.TN 58 AA 1027. On seeing the police party, the aforesaid persons tried to escape. On search, they were found in possession of 190 kgs., of Ganja and further proceeding was undertaken as per the procedure and the accused persons were arrested on the spot and remanded to judicial custody.

4 Seeking bail, the petitioners/A4 and A6 are before this Court. The bail application that was moved by the petitioners before the Special Court came to be dismissed on the ground that Section 37 of NDPS Act has not been complied with, since the Ganja that has



been recovered from the possession of the petitioners in commercial quantity. The petitioners are under custody from 18.08.2021 and one year is going to be lapsed.

5.It is submitted by the petitioners that it is a false case that has been foisted against them. It is further submitted by the petitioners that the co-accused, namely A7 and A11 were granted bail by this Court in Crl.O.P.(MD) Nos.5565 and 3770 of 2022 and A8 and A9 were also granted anticipatory bail.

6.The main allegation is against the main accused. A1 to A3, have been granted bail by the trial Court, 130 kgs of Ganja have been recovered from the house of the 6th accused and 60 kgs of Ganja were found in the possession of A1 to A3. It is stated that by giving wrong information, A1 to A3 have been obtained bail before the trial Court, without mentioning the fact that the matter was later transferred to the respondent police for investigation and renumbered.

7.The learned Additional Public Prosecutor for the respondent submits that the respondent police is going to file a petition for cancelling the bail that was granted to A1 to A3.

8.No doubt, huge quantity of contraband has been recovered from the possession of A1 to A3 and from the house of A6. Except the confession statement of the co-accused, no other material is available, insofar as this petitioners are concerned. On similar ground, A7 and A11 were granted bail by this Court in Crl.O.P.(MD) Nos.5565 and 3770 of 2022.

9.It appears that so far no steps have been taken by the prosecution to cancel the bail that was granted to A1 to A3. So, on the rule of parity, this petitioners are entitled to bail considering the duration of their custody. Hence, this Court is inclined to grant bail to the petitioners with certain conditions.

10.Accordingly, the petitioners are ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Principal Special Court for EC and NDPS Act Cases, Madurai, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
20/07/2022

/ TRUE COPY /

20/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19, 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 JUDGE, PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI.
 - 2 THE INSPECTOR OF POLICE, NIB-CID POLICE STATION, MADURAI DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/S.SATHISH KUMAR K, Advocate (SR-7397[I] Dated 20.07.2022)

ORDER
IN
CRL OP(MD) No.8831 of 2022
Date :20/07/2022

RS/PN/SAR.1 (20.07.2022) 3P-6C