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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVA**

Crl.OP (MD) Nos. 9439 and 9444 of 2022

Raja : Petitioner / Accused No.2
in Crl.OP (MD) No.9439 of 2022

Karuppan @ Periyakaruppan : Petitioner / Accused No.1
in Crl.OP (MD) No.9444 of 2022

Vs.

The State rep. By
The Inspector of Police,
Viruvedu Police Station,
Dindigul District.
In Crime No.361 of 2021 : Respondent/Complainant

(In both cases)

For Petitioners : Mr.D.S.Haroon Rasheed

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

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

PRAYER :-

For Bail in Crime No.361 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2 were arrested, on 05/08/2021 and remanded to judicial custody for the alleged offence punishable under section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs & Psychotropic Substance Act, 1985, in Crime No.361 of 2021, seek bail.



2.The case of the prosecution is that on 05/08/2021 on a secrete information by the police informer, the complainant along with the police team inspected and searched a thatched shed at about 12.00 noon. At that time, the persons were identified by the police informer. When they enquired the said persons, they disclosed their names as Karuppan @ Periyakaruppan and Raja. On suspicion, the gunny bag was searched. On search, it was found that 11 pockets of ganja were found. It was weighed and found that 22 kgs of ganja. Further proceedings were undertaken as per the rules and procedures. Based upon which, the case was registered and the accused persons were arrested and remanded to custody and the investigation was undertaken. During the course of investigation, the involvement of another person by name Manikandan came to know. So final report was filed stating that all the accused persons have committed the offence under sections 8(c) r/w 20(b) (ii) (C) of the NDPS Act.

3. Seeking bail, the petitioners, who are arrayed as A1 and A2 namely Karuppan @ Periyakaruppan and Raja filed separate bail applications on the ground that ever-since from the date of arrest, they are in custody. The detention order, that was imposed upon them was set aside by this court in HCP(MD)No.1864 of 2021, dated 20/04/2022. Similarly so far as A1 is concerned, HCP(MD)No.1850 of 2021 was allowed, on 20/04/2022. So on the basis of the duration of the custody and also final report, the petitions have been filed for seeking bail.

4.The learned Additional Public Prosecutor would submit that these two persons have been arrested on the spot itself along with the contraband, which are of commercial quantity. Naturally section 37 of the NDPS Act must be complied. But no ground has been made out by the petitioners, except stating that they are in custody for more than a year and no more prison custody may be required, nothing has been stated.

5.The case of the A2 is that he is a daily wager and his two sons were also implicated in this case. So far as A1 is concerned, it has been stated that he is also a daily wager and his two sons have been wrongly implicated in this case. Except stating that, nothing has been stated to satisfy the requirement of section 37 of the NDPS Act. So, the petitioners are not entitled for bail.

6.In the result, the criminal original petitions are **dismissed**. However, considering the duration of the custody of the petitioners and the case has been taken cognizance in CC No.96 of 2022 by the Additional District Judge/Presiding Officer, Principal Special Court for EC and NDPS Act, Madurai, there shall be a direction to the trial court to expedite the trial process and completed the same within a period of five months from the date of receipt of a copy of this order. If the trial could not be completed within the



stipulated time granted by this court, the petitioners at liberty to seek appropriate relief before the appropriate court.
sd/-

01/08/2022

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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 Additional District Judge/Presiding Officer,
Principal Special Court for EC and NDPS Act, Madurai.
- 2.The Inspector of Police,
Viruveedu Police Station,
Dindigul 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.9439 and 9444 of 2022
Date :01/08/2022

RD/JM/SAR-I(11/08/2022) 3P 6C