



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.10515 of 2022

Thamilarasan

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
S.S.Colony Police Station,
Madurai.
Crime.No. 60 of 2021.

... Respondent/Complainant

For Petitioner : M/s.N.Dhinakaran, Advocate
for M/S.Balaji S, 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. 60 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner, who was arrested by the respondent police on 19.01.2021 for the offences punishable under Sections 8(c), 20(b) (ii) (C) and 25 of NDPS Act, 1985, in Crime No.60 of 2021, on the file of the respondent police, seeks bail.

3.The case of the prosecution is that on 19.01.2021 at about 17.15 hours, the respondent police intercepted a Car bearing Reg.No.TN 07 V 8913, near Fenner Colony, Virattipathu and on search, two gunny bags were found inside the Car, in which, 33.300 kgs of ganja were found. The entire contraband was seized and all four persons were arrested and remanded to judicial custody.



4.The learned counsel appearing for the petitioner submits that the petitioner has not done anything in connection with the present case and that the investigating officer has not followed the mandatory provision under Section 42 (1) of the Act. He further submits that the petitioner is languishing in jail from 20.01.2021. Hence, he prays for grant of bail to the petitioner.

5.Learned Additional Public Prosecutor submits that totally there are six accused in this case. The petitioner herein is the third accused. The petitioner was also present in the place of occurrence, where contraband was recovered from the main accused. Considering the quantity of ganja i.e.33.300 kgs involved in this case, the earlier applications have been dismissed by this Court. He further submits that trial has been commenced and the case is posted on 30.09.2022 for examination of witnesses. Hence, he strongly objected for grant of bail to the petitioner.

6.This Court considered the rival submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor and perused the materials placed on record.

7.As per the prosecution case, the petitioner was also present in the place of occurrence, where contraband was recovered from the main accused. Moreover, as per provisions under Section 35 & 37 of the NDPS Act, this Court dismissed the earlier applications filed by this petitioner. It is seen that the final report has also been filed and the case is posted on 30.09.2022, for examination of witnesses. This Court, in earlier occasion, in Crl.O.P.No.15608 of 2021, issued a direction to the trial Court to complete the trial within a period of four months.

8.In view of the above and considering the submission of the learned Additional Public Prosecutor that trial has already been commenced, and there is no change of circumstances after the dismissal of the earlier orders, this Court is not inclined to entertain this Petition. Accordingly, this Criminal Original Petition is dismissed.

sd/-
24/08/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

2. THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10515 of 2022

Date : 24/08/2022

RK/SVR/SAR-1 (15/09/2022) 3P/4C