



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20.07.2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12857 of 2022

S.M.Gopi

... Petitioner/Accused No.5

Vs

The State rep.by
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai.
Crime No.116/2021

... Respondent/Complainant

For Petitioner : Mrs.S.PRABHA,
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.116 of 2021 on the file of the respondent police.

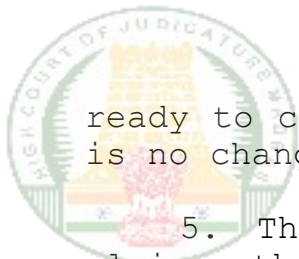
ORDER : The Court made the following order :-

The petitioner/A5, who was arrested on 23.03.2021 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(c), 25, 29(1) of Narcotic Drugs and Psychotropic Substance Act and 25 [1B(b)] of Arms Act, in Crime No.116 of 2021 on the file of the respondent police, seeks bail.

2. This is the second bail application filed on the change of circumstances that the final report in this case has been filed.

3. The learned counsel appearing for the petitioner submits that the petitioner was not arrested in the place of occurrence and he was arrested subsequently and the contraband was also recovered from the other accused and not from the petitioner. She further submits that the petitioner is not having any bad antecedent and he is languishing in jail from 23.03.2021.

4. The learned Additional Public Prosecutor submits that at the time of arrest, the petitioner was also present along with other accused and 40 kgs. of ganja was recovered in the presence of this accused from the place occurrence. He further submits that in this case, the final report has been filed and charges have also been framed. The Investigating Agency are also prepared to produce the witnesses before the trial Court on the next date of hearing and



ready to co-operate for the enquiry. He further submits that there is no change of circumstances in the earlier order.

5. Though the learned counsel appearing for the petitioner claims that the petitioner was not present in the place of occurrence, in the earlier application filed by the petitioner, he took a stand that he gave a lift to A1 with the helping tendency from Alahappa Nagar to Palanganatham, at that time, the respondent Police took him to the Police Station for enquiry and foisted this false case.

6. Admittedly, 40 kgs. of ganja was recovered from A1, who was the pillion rider of the petitioner's bike, on 23.03.2022 at Pykara area.

7. Considering the quantity of contraband involved and in view of the provisions under Section 37 of NDPS Act, this Court is not inclined to accept the final report for change of circumstances to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

8. Considering the fact that the petitioner is languishing in jail from 23.03.2021, this Court directs the trial Court to complete the trial and dispose of the case as expeditiously as possible within a period of four months from the date of receipt of a copy of this order.

sd/-

20/07/2022

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/07/2022

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

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EC & NDPS ACT CASES, MADURAI.
- 2 THE OFFICER INCHARGE, DISTRICT JAIL, MADURAI.
- 3 THE INSPECTOR OF POLICE,
SUBRAMANIYAPURAM POLICE STATION, 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.12857 of 2022
Date :20/07/2022

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SA/VR/SAR.3/18.08.2022/2P/6C

<https://www.mhc.tn.gov.in/judis>