



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

Date : 11/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.15260 of 2022

WEB COPY

1. Sakthivel
2. Vellaiyan

... Petitioners/Accused Nos.6 & 7

Vs

State Rep.by
The Inspector of Police,
Kumbakonam East Police Station,
Crime No.173 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Thiyagaiya.L, 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.173 of 2022 on the file of the Respondent police.

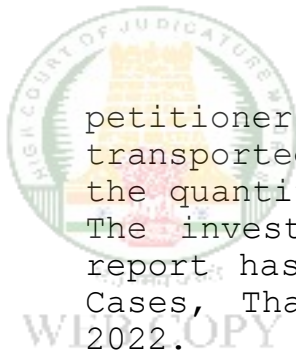
ORDER : The Court made the following order :-

The petitioners/Accused Nos.6 and 7, who were arrested and remanded to judicial custody on 17.02.2022 for the offences punishable under Section 8(c) r/w 20(b)(ii)(c) & 25 of NDPS Act, 1985, in Crime No.173 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 82 kgs of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are driver and cleaner of the vehicle. They were returning from Calcutta to Tamil Nadu, at that time, the first accused asked for the lift and they allowed the first accused to travel in the said vehicle. The petitioners did not know that the contraband was carry in the said vehicle. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and they are in judicial custody from 17.02.2022. Therefore, the petitioners may be granted bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed to grant of bail to the



petitioners on the ground that the accused persons alleged to have transported 82 kgs of ganja from Andhra Pradesh to Tamil Nadu and the quantity of ganja involved in this case is commercial in nature. The investigation in this case has been completed and the final report has also been filed before the Special Court under EC Act Cases, Thanjavur and the same was taken on file in C.C.No.92 of 2022.

5.Considering the facts and circumstances of the case and considering seriousness and gravity of offence and also the fact that the quantity involved in this case is commercial, this Court is not inclined to grant bail to the petitioner. However, the learned Judge, Special Court under EC Act Cases, Thanjavur, is directed to expedite the trial and dispose of the case in C.C.No.92 of 2022, within a period of four months from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is dismissed.

sd/-
11/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE, SPECIAL COURT UNDER EC ACT CASES, THANJAVUR.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE, KUMBAKONAM EAST POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.L.THIYAGAIYA, Advocate (SR-11268[I] dated 12/10/2022)

ORDER
IN
CRL OP(MD) No.15260 of 2022
Date :11/10/2022

CP
RS/SBN/SAR.1(19.10.2022) 2P-7C