



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

Dated: 04/01/2022

PRESENT

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

Crl.OP(MD)No.17202 of 2021

Mahendran @ Auto Mahendran : Petitioner/ Accused No.1

Vs.

The State rep. By
The Inspector of Police,
S.S Colony Police Station,
Madurai District.
(Crime No.2 of 2021)

: Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu, Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.2 of 2021 on the file of the Respondent Police.

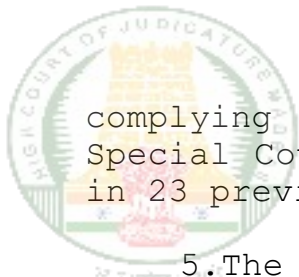
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1 was arrested on 02/01/2021 and remanded to judicial custody for the offences punishable under sections 8(C) r/w 20(b), (ii)(C) of NDPS Act, in Crime No.2 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02/01/2021 at about 10.15 hours, on the secret information, the police party went to the end of Kalimuthu Nagar, where they found that the accused persons were found in possession of 30 kgs of ganja.

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

4.The bail application that has been moved by this petitioner before the Special Court for EC & NDPS Act cases, Madurai, in Crl.MP No.612 of 2021 came to be dismissed, on 08/09/2021 on the ground that since the contraband involved in this case is commercial quantity and the twin conditions imposed under section 37 of the NDPS Act has not been complied. Before this court also, even though this petitioner has stated that he has not involved in any such nature of the offence, no other grounds, which are capable of



complying the twin conditions has been put forth. The learned Special Court in its order stated that this petitioner has involved in 23 previous cases.

5.The learned counsel appearing for the petitioner would submit that those cases are not similar nature of this offence. The learned Additional Public Prosecutor has also given the list of cases against this petitioner, wherein we find that he has involved in several cases, among which 302 IPC case also included. Further reading of the list shows that the petitioner is a habitual offender.

6.By relying upon the order of this court passed in a batch of Crl.OP(MD)No.1607 of 2021 batch etc., dated 07.09.2021, it has been contended by the learned counsel appearing for the petitioner that only for the purpose of keeping this petitioner in custody for a longer period of time, this case has been wrongly foisted.

7.No doubt that an observation has been made in the above said batch of criminal original petitions that the police are involved in frequent by using the contraband that has been seized in some other cases. No doubt that such sort of allegations are available and made frequently. But no generalizations can be entertained by this court by drawing the analogy of the above said observation to the facts and circumstances of this case.

8.Now, it is very clear that the case of the prosecution is that on the date of occurrence, in the occurrence place itself, this petitioner was found in possession of the contraband. When there is a clear averment to that effect, the contention on the part of the petitioner that a false case has been foisted against him cannot be taken into account, at this stage, since it is a matter for trial. Since, final report has been filed in this case, the petitioner has to face the trial process.

9.In view of the above facts, this court is not inclined to enlarge the petitioner on bail and accordingly, this criminal original petition is liable to be dismissed.

10.In the result, the criminal original petition is **dismissed**. However, considering the facts and circumstances of this case, there shall be a direction to the concerned Special Court to dispose of the case, within a period of six months from the date of receipt of a copy of this order.

sd/-
04/01/2022

/ TRUE COPY /

/ /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 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.

WEB COPY

- TO
- 1 THE IInd ADDITIONAL SPECIAL JUDGE FOR EC AND NDPS ACT CASES,
MADURAI.
 - 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 3 THE INSPECTOR OF POLICE,
S.S COLONY POLICE STATION,
MADURAI 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.

ORDER
IN
CRL OP(MD) No.17202 of 2021
Date :04/01/2022

ER
MS/PN/SAR-1/11.01.2022/3P.6C