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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

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

CRL OP (MD) . No.15828 of 2022

Sekar

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Keerathurai Police Station,
Madurai City,
(Crime No.91 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vijayaraja.J, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

To enlarge the petitioner on bail who is in Judicial custody in Crime No.97 of 2021 in connection to the pending trail in C.C No. 324 of 2021 on the file of the I Additional District and Sessions Judge, Special Court for EC and NDPS Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner/A4, who is facing a case for the offence under Sections 8(c) r/w 20(b)(ii)(c) and 29(1) of NDPS Act in C.C.No.324 of 2021 on the file of the learned I Additional District and Sessions Judge, Special Court for EC and NDPS Cases, Madurai in Crime No.97 of 2021, seeks bail.

2.The case of the prosecution is that on 04.02.2021 at about 10.15 hours, based on the secret information received by the Sub-Inspector of Police, he along with the police party went to the opposite of Moolakarai Anjali graveyard near the Corporation toilet,



graveyard road, Keeraithurai, Madurai Town, and on seeing the police party, the petitioner/accused and other accused attempted to escape. The respondent police nabbed the petitioner and other accused and enquired them, they were found to be in joint possession of 30kgs of Ganja. The said contraband was seized by the respondent police and sample has also been taken. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, he has been implicated in this case and he is innocent and he has not committed any offence as alleged by the prosecution and he is in judicial custody from 06.03.2021 and hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that there are four accused in this case and the petitioner is arrayed as A4 and he is having nine previous cases, out of which, one case for similar offence. He would further submit that the quantity of Ganja involved in this case is a commercial quantity and the petitioner is close associate with the other accused in this case and he along with other accused actively involved in drug trafficking from Andhra Pradesh and they tried to sell in local area in retail. He would further submit that the respondent police after completing investigation, has filed a charge sheet before the I Additional District and Sessions Judge, Special Court for EC and NDPS Cases, Madurai and the same was taken on file in C.C.No.324 of 2021 and the case stands posted for examination of the Investigation Officer. If the petitioner is released on bail, there is every likelihood of absconding. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the quantity of Ganja involved in this case is a commercial quantity, this Court is not inclined to grant bail to the petitioner. Hence, this Criminal Original Petition is dismissed.

6.However, the learned I Additional District and Sessions Judge, Special Court for EC and NDPS Cases, Madurai is directed to complete the trial and dispose of the case in C.C.No.324 of 2021, within a period of four months from the date of receipt of a copy of this order.

Sd/-
09/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SPECIAL COURT
FOR EC AND NDPS CASES, MADURAI.

2. THE INSPECTOR OF POLICE,
KEERATHURAI POLICE STATION,
MADURAI CITY.

3. THE SUPERINTENDENT,
CENTRAL PRISON, KADALUR.

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

+1. CC to M/S.VIJAYARAJA.J Advocate SR.No.12750

ORDER
IN
CRL OP(MD) No.15828 of 2022
Date :09/11/2022

SP/BUC/SAR I/22/11/2022/3P/6C