



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.16136 of 2022

Babu @ Babu Shagulin

... Petitioner/3rd Accused

Vs

State Rep.by
The Inspector of Police,
Thazhamuthunagar Police Station,
Thoothukudi District.
(Crime No.129/2022).

... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar, Advocate

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

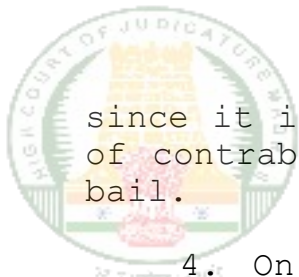
For Bail in Cr No.129 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 01.04.2022, for the alleged offence under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act, 1985, in Crime No.129 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.06.2021, the respondent Police conducted inspection in the vehicles of the accused persons and found that the accused persons were in illegal possession of 24kgs of ganja. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and he had not committed any offence as alleged by the prosecution. In this case, the petitioner is in custody from the date of their arrest, ie., 01.04.2022. In this case, charge sheet was filed before the concerned Court. The co-accused was released on bail and the petitioner is noway connected with the offence. The alleged quantity is not a commercial quantity,



since it is stated that the respondent police had seized 01 kgs of contraband from this petitioner. Hence, prays to release him on bail.

4. On the side of prosecution, it is stated that the total contraband seized from the accused persons was 24 kgs, which is a commercial quantity. The petitioner is arrayed as A3. In this case, charge sheet was already filed before the concerned Court and if the petitioner is released on bail, there is every possibility for absconding and the case will be pending and also there is every likelihood of indulge in similar kind of activities. The co-accused, who was released on bail, is now absconding and NBW was issued against him. Hence, prayed to dismiss the petition.

5. Considering the above facts and circumstances of the case, alleged quantity of contraband and also considering the strong objection raised by the prosecution, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed. However, the trial Court/Principal Special Court for EC and NDPS Act Cases, Madurai is directed to complete the trial within four months, from the date of receipt of copy of this order.

sd/-

14/10/2022

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/10/2022

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

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE
THAZHAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYANKOTTAI, TIRUNELVELI .

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

ORDER

IN

CRL OP(MD) No.16136 of 2022

Date :14/10/2022

PNM

PKP/SSS/SAR-2/19.10.2022/2P/5C

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