



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

Date : 01/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.19024 of 2022

M.Haji Ali

... Petitioners/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
NIB-CID, Madurai.
Cr.No.02/2022.

... Respondent/Complainant

For Petitioner : M/s.Manimaran.Na,
Advocate

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

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

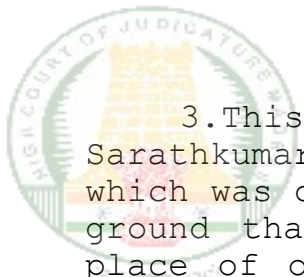
PRAYER :-

For Bail in Crime No. 02/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested, on 30/08/2021 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20 (b) (ii) (c), 25 and 29(1) of NDPS Act, in Crime No.2 of 2022, seeks bail.

2.The case of the prosecution is that the de-facto complainant along with the police team were on the regular vehicle check up near Sellur Melthoppu, M.G.R Bridge. At that time, a Car bearing registration No.TN-39-AQ-9090 was found driven by Haji Ali and he escaped from that place. One Sarathkumar alone was available with suspected bags. On getting the above information from the police informer, they went to the place of occurrence at about 5.20 am. They spotted the accused Sarathkumar and a search was made and found in possession of 74kgs of ganja and 206kgs of sawdust. Further sampling process was undertaken as per the rules. The above said Sarathkumar/A1 was arrested on the spot and remanded to judicial custody. Similarly, Haji Ali/A2 who is stated to be the driver of the vehicle was also arrested and remanded to judicial custody.



3.This petitioner along with the first accuse ., Sarathkumar filed earlier application in Crl.O.P(MD)No.9354 of 2022, which was dismissed by order of this Court, dated 05.08.2022, on the ground that this petitioner was stated to have escaped from the place of occurrence and huge quantity of contraband was recovered from the possession of first accused. The third accused viz., Vijayakumar was stated that he was a professional Ganja Seller.

4.It was contented on behalf of petitioner that even in the earlier application, except the confession statement of co-accused, no material is collected as against the petitioner. The contraband ie., 74 kgs of ganja was recovered from the possession of this petitioner, who was driving the vehicle, which is said to have carried the contraband at the relevant point of time. It was observed by this Court that thorough investigation is needed in this matter.

5.Now the final report was filed on 07.04.2022 and the same was taken on file as CC No.237 of 2022, on the file of Principal Special Court for EC & NDPS Act Cases, Madurai. A copy of final report is made available in the CD file. Reading of final report shows that all the three accused are friends and they purchased the contraband, weighing 74 kgs, through the first accused. Accused No.2 & 3 transported the same, through a Car bearing Registration No. TN 39 AQ 9090. The third accused viz., Vijayakumar and the co-accused were engaged in ganja trading. They purchased ganja from Andrapradesh and transported the same to Tamil Nadu for selling. It is also seen that the above said Vijayakumar was also arrested in Crime No.534 of 2021. Reading of both FIR shows that there was a large scale purchase and selling of contraband, by the accused persons. Since the final report is filed before the concerned Court, he has to face the trial. The contention of the learned counsel for the petitioner that except the confession statement of co-accused, no other material was collected as against the petitioner, is a matter to be decided at the time of trial. Since the specific allegation to the effect that this petitioner escaped from the occurrence place, since the principle of joint and continuous possession is alleged, this Court finds no reason to enlarge the petitioner on bail.

6.Accordingly, this Criminal Original Petition stands dismissed. However, there shall be a direction to the trial Court to complete the trial proceedings, within a period of six months, from the date of receipt of a copy of this order.

sd/-
01/11/2022

/ TRUE COPY /

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



TO

1. THE SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT EC & NDPS ACT CASSES,
MADURAI.
2. THE SUPERINTENDENT,
DISTRICT PRISON, PUZHAL.
3. THE INSPECTOR OF POLICE,
NIB-CID, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19024 of 2022
Date :01/11/2022

pnm
USK/SBN/SAR-IV/07.11.2022/3P/5C