



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.18805 of 2021

Ramesh

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
NIBCID Police Station,
Theni District.
(Crime No.30 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Suriyanarayanan R, Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec 37 of NDPS Act r/w 439 of Cr.P.C

PRAYER :-

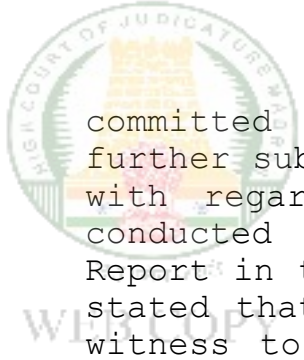
For Bail in Crime No.30 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 13.05.2021 for the offence under Sections 8(c) r/w 20(b)(ii)(C) & 25 of NDPS Act, in Crime No.30 of 2021, on the file of the respondent police, seeks bail.

2.Reading of the FIR shows that on getting secret information, on 13.05.2021 at about 04.20hours, the respondent police party was on raid at Cumbum Mettu Road junction on Cumbum bye-pass road, they found that the petitioner was in illegal possession of 24 kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was arrested on 13.05.2021, he is an innocent and not



committed any offence as alleged by the prosecution. He would further submit that there was serious doubt in the prosecution case, with regard to investigation. According to him, the person who conducted search and seizure, has also filed First Information Report in this case. Then, the Seizure Officer in his complaint has stated that he had requested the independent witnesses to stand as witness to the above said seizure, but they refused the same and hence the police officials were shown as witnesses to the seizure, but their statements were not available in the charge sheet and the sample of 25 grams in two bags were sent for analysis, whereas the total alleged seizure was 24Kgs.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is having three previous cases at his credit and in this case charge sheet has been filed before the concerned Court.

5.It is seen from the records, that there is enough *prima facie* materials to implicate this petitioner in this case. There is no doubt that those contentions raised by the learned counsel for the petitioner can only be decided during the course of trial. The earlier bail petition filed by the petitioner, in Crl.M.P.No.365 of 2021 dated 09.08.2021 was dismissed by the Special Court for EC& NDPS Act Cases, Madurai.

6.Considering the commercial quantity involved in this case, bad antecedents of the petitioner and the petitioner has not overcome the bar under Section 37 of NDPS Act, therefore, there is no ground to consider this bail petition. Hence, this Court is not inclined to enlarge the petitioner on bail.

7.However, the learned Government Advocate (Crl.Side) would submit that the investigation is completed and charge sheet also filed. Hence, the trial Judge has to peruse the final report filed by the prosecution agency as per rules and after taking cognizance, the same may be disposed within six months from the date of filing of cognizance.

8.With the above directions, this Criminal Original Petition is dismissed.

Sd/-
03/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
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.

TO

1. THE INSPECTOR OF POLICE,
NIB CID POLICE STATION,
THENI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.18805 of 2021
Date :03/01/2022

SP/CN/SAR III/06/01/2022/2P/4C