



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17713 of 2022

Govindaraj ... Petitioner/Accused No.7

Vs

The State Rep.by
The Inspector of Police,
Nibcid Police Station,
Dindigul,
Dindigul District.
Cr No.36/2021.

... Respondent/Complainant

For Petitioner : M/s.Karthik S,
Advocate.

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

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

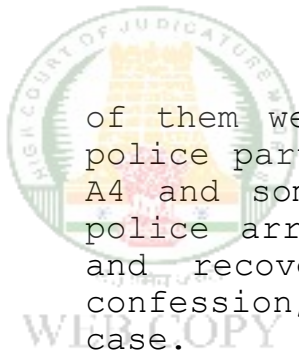
PRAYER :-

For Bail in Crime No.36 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A7, who is facing a case for the offence under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act @ 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of NDPS Act in C.C.No.580 of 2021 on the file of the learned I Additional Special Court for NDPS Act Cases, Madurai in Crime No.36 of 2021, seeks bail.

2.The case of the prosecution is that on 10.05.2021, based on the secret information, the police party along with informer rushed to Dindigul-Palani National Highways Road, at that time, a Hero Honda Splendor, bearing Registration No.TN-57-U-4974 and a Tavera Chevrolet car bearing Registration No.TN-56-8263 were parked near a mud road and subsequently, two bikes, namely Hero Honda Splendor bearing Registration No.TN-58-U-2080 and Hero Honda Passion Plus bearing Registration No.MH-02-AN-6699 were also came there and all



of them were tried to exchange the contraband from car. The police party tried to secure them, the petitioner along with A1 and A4 and some other accused persons fled away from the place. The police arrested two accused namely, Karthik(A2) and Saravanan(A5) and recovered 50kgs of Ganja from them and based on their confession, the petitioners have been implicated as accused in this case.

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. He would further submit that A6 and A3 were already arrested and released on bail by this Court, dated 23.12.2021 and 15.03.2022 in Crl.O.P.(MD)Nos.13334 of 2021 and 4375 of 2022. The petitioner is in judicial custody from 07.07.2022 and hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that there are seven accused in this case and the petitioner is arrayed as A7. 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 through him only, the other accused sold the contraband in Kerala and Bangalore and he along with other accused actively involved in drug trafficking. He would further submit that the respondent police after completing investigation, has filed a charge sheet before the I Additional Special Court for NDPS Act Cases, Madurai and the same was taken on file in C.C.No.580 of 2021 and NBW is pending against A1 and A4. 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 Special Court for NDPS Act Cases, Madurai is directed to complete the trial and dispose of the case in C.C.No.580 of 2021, within a period of three months from the date of receipt of a copy of this order.

sd/-

21/11/2022

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

SJI

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TO

1. The I Additional Special Court for NDPS Act Cases,
Madurai.

2. The Inspector of Police,
Nibcid Police Station,
Dindigul,
Dindigul District.

3. The Superintendent, Central Prison, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.KARTHIK S Advocate SR.No. 56652(f)

ORDER

IN

CRL OP(MD) No.17713 of 2022

Date :21/11/2022

RD/BUC/SAR-I(28/11/2022) 3P 6C