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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

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

CRL OP(MD). No.17820 of 2022

Loganathan

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Elumalai Police Station,
Madurai District.
Crime No.137 of 2021

... Respondent/Complainant

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

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 137/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 04.05.2021 for the offence under Sections 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.137 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in joint possession of 21 kgs of Ganja illegally. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that there was no recovery from the petitioner and he was not at all present at the time of occurrence. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, investigation has been



completed and the charge sheet has already been filed and the case was taken on file in C.C.No.508 of 2021 by the learned Special Judge, First Additional Special Court for NDPS Act Cases, Madurai and the petitioner is in judicial custody from 04.05.2021. Hence, he prays for bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail to the petitioner stating that the petitioner and other accused were found in possession of 21 kgs of Ganja, which comes under the commercial quantity. He would further submit that the investigation in this case has been completed and the charge sheet has already been filed before the learned Special Judge, First Additional Special Court for NDPS Act Cases, Madurai and the same was taken on file in C.C.No.508 of 2021.

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

6.However, the learned Special Judge, First Additional Special Court for NDPS Act Cases, Madurai, is directed to complete the trial and dispose of the case in C.C.No.508 of 2021, within a period of four months from the date of receipt of a copy of this order.

sd/-

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

cp

TO

- 1.THE SPECIAL JUDGE,
FIRST ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.
- 2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3.THE INSPECTOR OF POLICE,
ELUMALAI POLICE STATION,
MADURAI DISTRICT.



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

ORDER

IN

CRL OP(MD) No.17820 of 2022

Date : 02/11/2022

RK/SSS/SAR-2 (14/11/2022) 3P/5C