



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 03/01/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.19893 of 2021

Chellampillai

... Petitioner/Accused (A2)

Vs.

The State of Tamil Nadu
Rep.by its Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
(In Crime No.435 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.Karthikeyan, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.435 of 2021 on the file of the Respondent Police.

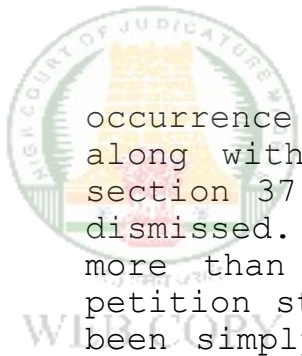
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2 was arrested on 18/07/2021 and remanded to judicial custody for the offences punishable under sections 8(c), 20(b)(ii)(c), 25 and 29(1) of NDPS Act, 1985, in Crime No.435 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18/07/2021 at about 7.30 hours, on the secret information, the police party conducted vehicle checkup near bye-pass road at Devar Sahayam Mount, at that time, the accused persons came in the two wheeler bearing registration No.TN-74-L-0263 and on interception, they were found 21 kgs of ganja in the possession of the accused persons.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

4.The earlier bail application that has been moved by this petitioner before the Principal Special Court for EC & NDPS Act cases, Madurai, in Crl.MP No.1973 of 2021 came to be dismissed, on 22/11/2021, wherein it has been mentioned that on the date of the



occurrence and the place itself, this petitioner has been arrested along with 21 kgs of ganja and since the twin conditions under section 37 NDPS Act has not complied, the bail petition came to be dismissed. Except stating that this petitioner is in custody for more than 143 days, no other ground has been mentioned in the petition stating that the twin conditions has been complied. It has been simply stated that if the petitioner is released on bail, he will not indulge in similar type of activities in future.

5. Reading of the FIR shows that on 18/07/2021, on secret information the police team went to the place of occurrence and this petitioner along with two other persons were found riding in the two wheeler with ganja. On inspection, they disclosed their name and they have been arrested in the place of occurrence itself. So reading of the FIR, only on the secret information the police team went to the place of occurrence and this petitioner nabbed and the accused persons were found in possession of 21 kgs of ganja. Since it is a commercial quantity, as mentioned by the learned Special Court, the twin conditions ought to have been satisfied by the petitioner to claim the benefit of bail. But as mentioned above, no other specific ground has been made out, even though the petitioner is in custody for more than five months.

6. In view of the above facts, this court is not inclined to enlarge the petitioner on bail and accordingly, this criminal original petition is liable to be dismissed and it is **dismissed**.

sd/-

03/01/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
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
ARALVOIMOZHI POLICE STATION, KANYAKUMARI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.19893 of 2021

Date : 03/01/2022