



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20812 of 2021

Starwin

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Theni NIC Police Station,
Theni District
(Crime No.13 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Kannan,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

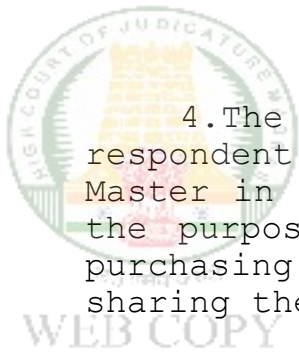
PRAYER :-For Bail in Crime No.13 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3 herein, who was arrested on 21.09.2020 for the alleged offence under Sections 8(c) r/w.20(b)(ii) (C) & 25 of NDPS Act, in Crime No.13 of 2021, on the file of the respondent police, seeks bail.

2.Earlier bail application that was filed by the petitioner came to be dismissed in Crl.O.P.(MD).No.7967 of 2021, by order dated 28.06.2021 on the ground that the petitioner has not satisfied the twin condition of Section 37 of NDPS Act. Since the charge sheet has been filed in C.C.No.173 of 2021, a direction was also given to the trial Court to expedite the trial process and dispose within a period of three months.

3.Now the counsel for the petitioner submitted that there is no specific overt act against the petitioner except stating that he simply sitting in the vehicle at the time of inspection.



4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that even though the first accused is the Master in the above said occurrence, other two were used by him for the purpose of transporting the contraband to various places for purchasing as well as selling. According to him, this petitioner was sharing the business profit.

4.Considering the commercial quantity involvement can be established only during the course of trial and due to the pandemic situation, the trial Court could not comply the condition that has been passed by this Court in the above said petition, except giving a direction to the trial Court concerned to comply the condition, no consideration can be given to the petitioner for granting bail. Hence, there shall be a direction to the Special Court concerned to comply the condition that has been imposed by this Court in Crl.O.P. (MD).No.7967 of 2021, dated 18.06.2021, after resumption of normal work.

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

sd/-
03/02/2022

/ TRUE COPY /

/ /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 PRINCIPAL DISTRICT AND SESSIONS JUDGE (NDPS), MADURAI.
- 2 THE INSPECTOR OF POLICE
THENI NIC POLICE STATION, THENI DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.M.KANNAN, Advocate (SR-737[I] dated 04/02/2022)

ORDER IN
CRL OP(MD) No.20812 of 2021
Date :03/02/2022

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