



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 16/03/2023

PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

CrI.OP (MD) No.4067 of 2023

Karuppiah : Petitioner/A3

Vs.

The State
rep. By the Inspector of Police,
Theni NIB-CID Police Station,
Theni District.
(Crime No.19/2022) : Respondent/Complainant

For Petitioner : Mr.A.K.Azagarsami

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.19 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 was arrested, on 10/05/2022 and remanded to judicial custody for the alleged offences punishable under sections 8(c) r/w 20(b), (ii) (C), 25, 29(1) of Narcotic Drugs & Psychotropic Substances Act, 1985, in Crime No.19 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on secret information, on 09/05/2022 at about 11.00 pm, the police team went to the place of occurrence along with the police informer. On 10/05/2022, on the early morning at about 00.20 am, suspect was identified by the police informer. The suspect was found in possession of a white bag. Search was made and it was found that he was in possession of 14 kgs of ganja. He was apprehended and further process was also undertaken as per Rules.

3.On the information furnished by the accused namely Vijayan, Police team went to the Bodi bus-stand. Two persons were identified by A1. They were apprehended and on enquiry, they revealed their names as Balamurugan and Karuppiah. Balamurugan was the driver of



the aforesaid Omni Van bearing registration No.KL-03-B-3444. On search, they were found in possession of 12 kgs of ganja and further process was also undertaken. Both the two accused have been arrested on the spot and remanded to judicial custody.

4. Heard both sides.

5. This is the 4th application that has been filed by the petitioner, of course on the very same ground.

6. The earlier petitions were dismissed, after considering the submission made by the petitioner with regard to the separate and joint possession principle. But without any change of circumstances, this petition has been filed.

7. The learned counsel appearing for the petitioner would submit that no previous case is pending against this petitioner and he is in custody for more than 9 months; Only based upon the confession statement of the co-accused, he has been arrayed as an accused and even as per the case of the prosecution, only 12 kgs of the contraband has been recovered from him.

8. But all these things have been elaborately discussed by this court in the earlier petitions. Absolutely, in find no change of circumstances, except the duration of the custody and since, it is commercial quantity, section 37 of the NDPS Act ought to have been complied by the petitioner. But that was not complied. Repeated filing of the bail application cannot be appreciated.

9. So I find no change of circumstances and accordingly, this criminal original petition is **dismissed**. However, the trial court is directed to expedite the trial process and dispose of the case within a period of five months from the date of receipt of a copy of this order.

sd/-

16/03/2023

/ TRUE COPY /

/03/2023

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

TO

- 1 THE INSPECTOR OF POLICE
THENI 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.4067 of 2023

Date :16/03/2023