



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

Date : 03/04/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6205 of 2023

Eswara Rao

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Karimedu Police Station,
Madurai District.
Crime No.1265 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Venkatesan R,
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. 1265 of 2021 on the file of the respondent police.

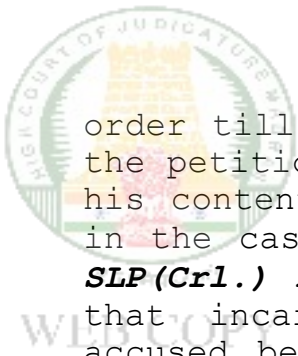
ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused was arrested and remanded to Judicial Custody on 02.11.2021 for the offences punishable under sections 8(C) r/w. 20(b)(ii)(C), 25, 29(1) of NDPS Act, in Crime No.1265 of 2021 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on receiving a secret information, the respondent police had intercepted a car bearing Regn.No.AP-31-DB-1400 near Karimedu Fish Market on 01.11.2021 at about 10.15 pm and found 35 Kgs of Ganja inside the Car. Hence, the complaint.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. The learned counsel for the petitioner would submit that though the respondent police completed investigation and filed final report and the same has been taken cognizance in C.C. No.647 of 2021 on the file of the I Additional Special Court for Trial Narcotic Drugs and Psychotropic Substances Act Cases, Madurai (FAC). Infact the first accused has filed an application before this Court in Crl.O.P(MD) No.21743 of 2022 and this Court by an order dated 09.12.2022 directed the trial court to complete the trial within a period of four months from the date of receipt of a copy of that



order till now the trial Court is unable to complete the trial and the petitioner in in judicial custody from 02.11.2021. In support of his contention he relied on the judgment of the Hon'ble Apex Court in the case of **Mohd Muslim @ Hussain -vs- State (NCT of Delhi) in SLP(Crl.) NOs.915 of 2023** where in the Hon'ble Apex Court has held that incarceration has further deleterious effects, where the accused belongs to the weakest economic strata; immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore have to be sensitive to these aspects(because in the event of an acquittal, the loss to the accused is irreparable) and ensure that trials-especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily. However in the case on hand this Court had already directed the trial Court to complete the trial within a period of four months vide order dated 09.12.2022. Due to the pendency of old cases, the trial Court is unable to complete the trial and now prosecution already examined PW.1 and the case stands posted to cross examination of P.W.1.

5. Considering the above facts and circumstances of the case and also the fact that petitioner fails to satisfy the twin test as contemplated under Section 37 of the NDPS Act , the petitioner is not entitled for bail.

6. Hence the petition stands dismissed.

sd/-

03/04/2023

/ TRUE COPY /

/04/2023

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

TO

- 1 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI 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.6205 of 2023

Date :03/04/2023

SS/CG/SAR III/11/04/2023/2P/4C