



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20.04.2023
PRESENT

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

CRL OP(MD) . No.7285 of 2023

Jeyaston

... Petitioner/Accsed 3

Vs

State rep., by
The Inspector of Police,
NIB CID, Thoothukudi,
Thoothukudi District.
(Crime No.18 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.MUNIYANDI, Advocate
For Respondent : Mr.T.SENTHIL KUMAR
Additional Public Prosecutor

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

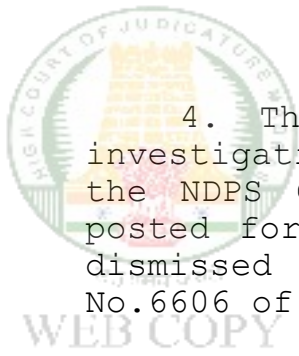
PRAYER :- Pleased to release the Petitioner/Accused on bail in C.C.No.331 of 2022 in Crime No.18 of 2021 on the file Learned Principal Special Court for Trial of NDPS Act Cases, Madurai.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 18.10.2021 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of NDPS Act, in Crime No.18 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.10.2021 at about 04.30 hours, based on the secret information, the 'Q' Branch police went to raid at Santhiyapparkovil Seashore area in Tharuvaikulam. At that time, the 'Q' Branch police saw a Blue color Vallam boat named "D Peril" bearing Registration No.IND TN 12 MO 2669 standing in a suspicious manner in the seashore. On seeing the 'Q' Branch Police, the accused persons tried to escape fro the scene of occurrence, but they were surrounded by the 'Q' Branch Police and found 530kgs of Ganja in the above said Blue Color Vallam Boat in 15 white color gunny bags. On enquiry, it revealed that the accused persons misused the boat's registration number IND TN 12 MO 2669, which stands in the name of one Isakkiyammal, W/o.Murugesan. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been implicated as an accused only based on the confession statement of co-accused. The entire contraband was seized only from A1.



4. The learned Additional Public Prosecutor submit at investigation completed and charge sheet has also been filed before the NDPS Court, Madurai, in CC.No.331 of 2022 and the case was posted for trial. He further submitted that already this Court dismissed the bail application filed by co-accused in Crl.O.P(MD). No.6606 of 2023 on 17.04.2023.

5. On perusal of the records it revealed that all the accused persons were conscious and constructive possession of contraband weighing 530 kgs, which is the commercial quantity. Since the petitioner failed to fulfil the twin conditions as contemplated under Section 37 of the NDPS Act in order to satisfy this Court, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, the trial Court is directed to complete the trial in CC.No.331 of 2022 in Crime No.18 of 2021 within a period of six months from the date of receipt of a copy of this order.

sd/-
20/04/2023

/ TRUE COPY /

/04/2023

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

RMK

TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL OF NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
NIB CID, THOOTHUKUDI, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

COPY TO:

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

2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.7285 of 2023
Date :20/04/2023

SA/BUC/SAR. /31.05.2023/2P/7C

<https://www.mhc.tn.gov.in/judis>