



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2023

PRESENT

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

CRL OP(MD). No.7732 of 2023

Jose

... Petitioner/Accused No.2

Vs

State rep., by
The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar, Kanyakumari District.
(Crime No.365 of 2021)

... Respondent/Complainant

For Petitioner : Mr.B.Pandiarajan

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. 365/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 05.12.2021 for the offences under Section 8(c) read with Section 20(b)(ii)(B) of NDPS Act in Crime No.365 of 2021 on the file of the respondent, seeks bail.

2. The case of the prosecution is that based on the secret information, the police party went to the occurrence place and found A1 and also recovered 1½kg of Ganja from her. A1 in her confession statement had stated that A2/petitioner herein and A3 are none other than the sons of A1 and A4. A2 and A3 purchased ganja and gave the same to her and her husband for sale. Based on her confession, the police went to the house of A1 and seized 33.500kgs of ganja, which was hidden under the wooden log in front of her house. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A2. A1 was arrested and remanded to judicial custody on 28.07.2021, whereas the petitioner was arrested and remanded to judicial custody on 05.12.2021. The petitioner is being the son of A1, he has been falsely implicated as an accused.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was already involved 17 previous cases, out of which, one is under NDPS Act. The petitioner was found in possession of 2.5kgs of Ganja. He would further submit that investigation has been completed and charge-sheet filed, and the same has been taken on file in C.C.No.156 of 2022 on the file of the I Additional Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, and that apart, A3' application for bail was dismissed by this Court vide order dated 25.01.2023 and also directed the trial Court to complete the trial within a stipulated time. He further submitted that now the prosecution has already examined 1 witness and remaining witnesses to be examined short while on 03.05.2023. hence, he opposed for granting bail to the petitioner.

5. Heard. Perused the materials available on record, including the First Information Report.

6. Considering the facts and circumstances of the case, the petitioner was also residing in the same house of Ala and all that the entire family members are involved in the business of Ganaja. Therefore, the petitioner failed to satisfy the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed. That apart, already issued direction by this Court vide order dated 25.01.2023 to the trial Court to complete the trial in C.C.No.156 of 2022 within a period of six months.

sd/-
25/04/2023

/ TRUE COPY /

/05/2023

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

RMK
TO

1 THE I ADDITIONAL SPECIAL JUDGE
FOR NDPS ACT CASES, MADURAI (FAC)

2 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
THIRUVATTAR,
KANYAKUMARI DISTRICT.



3 THE OFFICER INCHARGE,
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.

ORDER
IN
CRL OP(MD) No.7732 of 2023
Date :25/04/2023

SS/MMS/SAR II/17/05/2023/3P/6C