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CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.06.2023

PRESENT

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

CRL OP(MD)No.8996 of 2023

Saravanan

... Petitioner/Accused No.1

Vs

State Rep.by
The Deputy Inspector of Police,
NIB-CID, Nagapattinam,
(Crime No.21/2021)
(Nagapattinam Town PS
Cr.No.623/2021)

... Respondent/Complainant

For Petitioner : Mr.A.Devaki

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

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

PRAYER :-

To enlarge the Petitioner/Accused on bail in CC.No. 16 of 2022 pending trial on the file of Learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 04.04.2022 for the offence under section 8(c) r/w 20(b) (ii)(C), 25 & 29(1) of NDPS Act in Crime No.21 of 2021 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 31.07.2021, at about 3.00 p.m., the police party received credible information about transportation of ganja by innova car bearing Reg.No.PY01-CF-2777 from Karaikal to Vetharanaym via, Beach Road, Nagapattinam. At



about 17.00 hours, they arrived spot and stopped the ()n search, it was found that the accused persons were in illegal possession of 90 kgs of ganja. Hence the case.

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

6. It is seen that there are totally 15 accused in this case, in which, the petitioner herein is arrayed as A1. He has been implicated as an accused based on the confession statement of the co-accused, who were found in possession of contraband. That apart, the petitioner is having 5 previous cases and all are similar in nature. Out of 5 cases, he was convicted in 4 cases. In the present case, the prosecution had examined three witnesses and trial is about to complete. Hence, the petitioner failed to fulfill the twin conditions as contemplated under Section 37 of NDPS Act. Therefore, 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 16 of 2022, within a period of three months from the date of receipt of a copy of this order.

sd/-

16/06/2023

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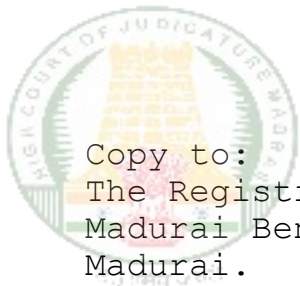
/07/2023

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

GNS

TO

1. The Additional District Judge/Presiding Officer,
Special Court under Essential Commodities Act,
Thanjavur.
2. The Superintendent,
Central Prison,
Trichy.
3. The Deputy Inspector of Police,
NIB-CID, Nagapattinam.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



CRL OP(MD)



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Copy to:
The Registrar Judicial
Madurai Bench of Madras High Court,
Madurai.

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ORDER

IN

CRL OP (MD) No.8996 of 2023

Date :16/06/2023

DL/ (30.06.2023) / 3P/6C