



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/06/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9899 of 2023

K.Pandi

... Petitioner/A3

Vs

Government of India,
Through Intelligence Officer,
Narcotics Control Bureau
Madurai Sub-Zone,
Madurai.
NCBF No.48/1/03/2021 NCB-MDU

... Respondent/Complainant

For Petitioner : Mr.S.P.NAVEENKUMAR,
Advocate.

For Respondent : Mr.C.ARUL VADIVEL @ SEKAR
Special Public Prosecutor

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

PRAYER:- For Bail in connection with NCB File No.48/1/03/2021/NCB/MDU on the file of the respondent NCB.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 08.04.2021 for the offences under Sections 8(c) r/w. 20(b) (ii) (C), 27A and 29 of NDPS Act, seeks bail.

2. The Investigating Agency has concluded the investigation and also filed a final report as against the petitioner and four others. As per the averment in the final report, the petitioner along with other accused are said to have involved in the commission of offence by procuring and possessing 320 kgs of ganja.

3. This is the fourth bail petition filed by the petitioner. Considering the quantity of ganja involved and the provisions under Section 37 of NDPS Act, this Court dismissed the earlier bail petitions. This bail petition has been filed on medical ground that the petitioner's foot has been amputated. However, there is no averment to that effect in the petition filed by the petitioner. Further, there are no materials produced to substantiate his claim.



4. On the other hand, the learned Special Public Prosecutor appearing for the respondent submits that the prosecution has already examined all the witnesses and the accused are dragging on the proceedings by not cross examining the Investigating Officer. Therefore, when the case came up for hearing on 12.06.2023, this Court, by considering the said fact, adjourned the matter today, by directing the petitioner/accused to complete the cross examination. He further submits that the petitioner has also appeared before the trial Court on 12.06.2023 and the Investigating Officer has instructed him that there was no amputation of foot as claimed by the learned counsel for the petitioner. Therefore, the medical stand taken by the learned counsel for the petitioner is not correct. Further, the petitioner has not produced any material to substantiate his claim.

5. Since there is no change of circumstances and there are no materials produced to substantiate the claim that the petitioner's foot has been amputated, this Criminal Original Petition is dismissed.

sd/-
14/06/2023

/ TRUE COPY /

/07/2023

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

OGY

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EC AND NDPS ACT,
PUDUKKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 3 THE INTELLIGENCE OFFICER,
GOVERNMENT OF INDIA,
NARCOTICS CONTROL BUREAU
MADURAI SUB-ZONE, MADURAI.
- 4 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SPECIAL PUBLIC PROSECUTOR, SR.No.8660 (I)
Dt.14/06/2023

ORDER IN

CRL OP(MD) No.9899 of 2023
Date :14/06/2023

SA/SSS/SAR. /03.07.2023/2P/6C

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