



CRL OP(MD) No.11799 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 11/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.11799 of 2023

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: Petitioner/ A8

Vs.

State through
The Inspector of Police,
Sellur Police Station,
Sellur,
Madurai City.
(Crime No.743 of 2022)

: Respondent/ Complainant

For Petitioner : Mr.Abdul Rahuman.S, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:- For Bail in CC No.107 of 2023 on the file of the Principal Special Court for EC and NDPS Act cases, Madurai in Crime No.743 of 2022 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/A8, who was arrested and remanded to judicial custody, on 27/03/2023 for the offences punishable under sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, in CC No.107 of 2023 on the file of the Principal Special Court for EC and



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NDPS Act Cases, Madurai, in Crime No.743 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12/08/2023 at 01.15 pm, the respondent police received secrete information and at 01.45 pm, rushed to the place of the occurrence and found the accused persons were in possession of 25.500 kgs of Ganja.

3.Heard both sides and perused the materials available on record.

4.The learned counsel appearing for the petitioner would straightaway draw the attention of this court to the representation, that was made by the petitioner, dated 02/09/2022 to preserve and produce the CCTV footage between 12/08/2022 and 13/08/2022 at 10.00 am to 10.00 am on the ground that on the date of the alleged occurrence, they were taken to the Office of the Assistant Commissioner of Police, located near Madurai Meenakshi Amman Temple. According to the learned counsel for the petitioner, they were taken to the above said office, since the police suspected retaliation from this petitioner to the murder in Crime No.460 of 2022. But after a long gap of time, this plea has been raised before this court. Because the above said CCTV footage would have erased automatically after the time limit, the petitioner ought to have taken steps at the earliest. The belated plea that has been raised by the petitioner that it is purely a foisted case to prevent them from making retaliation, cannot be taken into account at this stage.

5.The learned Additional Public Prosecutor would submit that in similar cases, the petitioner has also admitted the offence and also paid fine. According to him, the antecedents of the petitioner must be taken into account, while considering this petition.

6.Even though, it has been submitted by the learned counsel appearing for the petitioner that all those cases have been foisted, but the fact remains that in some of the cases, he admitted the offence and paid the fine. No steps have been taken by the petitioner to set aside the convictions and sentences as per the law. This is also the belated attempt made by the petitioner.

7.Continuous bail applications, that were filed by the petitioner also ended in failure. Absolutely, I find no change of circumstances. Since it is a commercial quantity, section 37 of the NDPS Act has not been complied with. Each and every



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time, while filing the petitions, new grounds have been raised by the petitioner, which cannot be entertained by this court.

8.In the result, this criminal original petition is dismissed. But however, considering the fact that the petitioner is in custody ever-since from the date of arrest, there shall be a direction to the trial court to expedite the trial process and complete the same within a period of five months from the date of receipt of a copy of this order.

sd/-
11/07/2023

/ TRUE COPY /

/ 07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.THE PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.
- 2 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
SELLUR,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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

ORDER
IN
CRL OP(MD) No.11799 of 2023
Date :11/07/2023

RK/MMS (20/07/2023) 4P / 6C

Madurai Bench of Madras High Court, Madurai is issuing certified copies in this format from
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