



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

DATED : 03.07.2023

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11078 of 2023

S.Nivash

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
NIB-CID,
Nagapattinam,
Nagapattinam District.
(Crime No.21 of 2021)

... Respondent/Complainant

For Petitioner : Mr.NA.Manimaran, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in C.C.No.16 of 2022 on the file of the learned Special Principal & District Judge for E.C. & NDPS Act, Thanjavur, in Crime No.21 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who is facing a case for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, in C.C.No.16 of 2022, on the file of the learned Special Principal & District Judge for E.C. & NDPS Act, Thanjavur, in Crime No.21 of 2021, on the file of the respondent police, seeks bail.

2. Admittedly, originally FIR came to be registered in Crime No.623 of 2021 on the file of the Nagapattinam Town Police Station and that thereafter, the case was transferred to NIB-CID Nagapattinam and FIR came to be registered in Crime No.21 of 2021 on the file of the NIB-CID Nagapattinam.



3. It is not in dispute that the respondent has already laid a final report and the case was taken on file in C.C.No.16 of 2022 and is pending on the file of the Special Court for EC and NDPS Act Cases, Thanjavur.

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4. The case of the prosecution is that on 31.07.2021 at about 03.00 hours, on receipt of secret information, the respondent police went to Oosi Matha Temple located at Nagapattinam Beach Road and at 17.00 hours, the respondent police team had intercepted one Innova car bearing Registration No.PY-01-CF-2777 and eight persons were in that car and that after following the mandatory procedures, the respondent police team conducted a search in the said car and found that the accused persons were found in illegal possession of 2 gunny bags of Ganja (each contain 45kg of Ganja) and they have arrested the accused persons.

5. It is further case of the prosecution that on the basis of the confession statement given by the accused Mukesh, other accused were added and that thereafter, on the basis of the confession statement of the co-accused, the petitioner was added as accused.

6. The case of the petitioner is that he is innocent and he has not committed any offence as alleged by the prosecution and that the respondent police have foisted the false case as against the petitioner.

7. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent would submit that four witnesses have already been examined and that the trial is in part heard stage.

8. Admittedly, the present application is the fourth application for bail.

9. The learned counsel appearing for the petitioner would submit that there is no Presiding Officer to the Special Court for EC and NDPS Act Cases, Thanjavur and that the Judge presiding over the POCSO Court is in full additional charge of that Court. He would further submit that co-accused were already released on bail and that the petitioner is in incarceration from 03.10.2021 and he may be released on bail.

10. The learned Additional Public Prosecutor appearing for the respondent would submit that the points / aspects now canvassed by the petitioner have already been dealt with by this Court elaborately and came to the decision that since the petitioner has failed to satisfy the twin conditions contemplated under Section 37 of NDPS Act, dismissed the earlier petitions. He would further submit that the trial Court may be directed to complete the trial and dispose of the case within a time frame fixed by this Court.



11. It is informed that the POCSO Court, Thanjavur is having total pendency of 101 cases and the Judge of the POCSO Court is in full additional charge of the Special Court for EC and NDPS Act Cases, Thanjavur.

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12. Considering the above facts and circumstances and also the fact that the case is in part heard stage and taking note of the fact that the petitioner is in custody from 03.10.2021, the learned trial Judge holding full additional charge of the Special Court for EC and NDPS Act Cases, Thanjavur is hereby directed to complete the trial and dispose of the case as expeditiously as possible, preferably, within a period of 3 months from the date of copy of receipt of this order.

13. With the above direction, this Criminal Original Petition is disposed of.

sd/-

03/07/2023

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/07/2023

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

csm

TO

1. THE JUDGE, POCSO COURT, THANJVAUR
2. THE JUDGE, SPECIAL COURT FOR EC AND NDPS ACT CASES, THANJAVUR.
3. THE INSPECTOR OF POLICE,
NIB-CID, NAGAPATTINAM,
NAGAPATTINAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, THIRUCHIRAPPALLI.
- 5 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.11078 of 2023

Date :03/07/2023