



Crl.OP(MD)No.13556 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 26/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.13556 of 2023

Christopher

.... Petitioner/ Accused No.4

Vs.

The State rep. by its
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.397 of 2022)

...Respondent/ Complainant

For Petitioner : Mr.K.Prabakaran, 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.1242 of 2022 on the file of the Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act cases, Madurai, in Crime No.397 of 2022 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioner/ A4, who was arrested and remanded to judicial custody, on 29/08/2022 for the offences punishable under sections 8(c) r/w 20(b)(ii)(B), 28 and 29(1) of NDPS Act @ 8(c) r/w 20(b),(ii)(c), 29(1) of NDPS Act, in CC No.1242 of 2022 on the file of the Principal Special Court for Trial of Narcotic Drugs and



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Psychotropic Substances Act cases, Madurai, in Crime No.397 of 2022 on the file of the respondent police, seeks bail.

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2.The case of the prosecution in brief:-

On 04/06/2022 at about 03.00 pm, the de-facto complainant received a secrete information from the police informer. Along with his team members, were doing their patrolling duty near Thoothukudi George Road, Indhira Nager, 2nd Street, at that time, they found 5 persons in a suspicious manner. They were apprehended and search was made. On search, they were found in possession of Ganja Oil. Further process was undertaken as per the Rule. The accused were arrested on the spot itself and later, the case was registered as stated above.

3.During the above investigation, several bail applications have been filed by the petitioner and all the bail applications have been dismissed, considering the gravity nature of the offence and also for non-compliance of section 37 of NDPS Act. Again, this petition has been filed on the ground that except the confession statement of the co-accused, no other material has been collected during the course of investigation.

4.From the averments made in the FIR, it is seen that this petitioner was also available in the place of occurrence along with the contraband. So the argument that the petitioner has not directly involved is completely out of place and cannot be



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accepted. Huge quantity of Ganja oil has been recovered. Apart from this, it is also seen that the petitioner escaped from the place of occurrence and went hiding and thereafter only, he was arrested. Act 14 was also invoked against the petitioner. Whether the period mentioned in the detention order still existing or not is not clear on record. It is seen that the above said order was passed, on 21/01/2023.

5. Seeking bail, he moved several applications before the trial court. Last application was dismissed on the ground that section 37 of the Act has not been complied. Even before this court, the petitioner could not make out the case for enlarge him on bail. Repeated applications have been filed without change of circumstances.

6. But however, considering the period of incarceration of the petitioner, 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.

7. With the above said direction, this criminal original petition stands dismissed.

sd/-
26/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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ER

TO

- 1 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION, THOOTHUKUDI DISTRICT,
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.13556 of 2023

Date :26/07/2023

PKP/DD/SAR- /05.08.2023/ 4P/6C

Madurai Bench of Madras High Court is issuing certified
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