



CrI.OP(MD)No.13653 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 01/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.13653 of 2023

Antony

... Petitioner/ Accused 4

Vs.

The Inspector of Police,
NIBCID,
Sivagangai Police Station,
Sivagangai District.
(Cime No.1 of 2023)

... Respondent/Complainant

For Petitioner : Mr.P.M.Vishnuvarthanan, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

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

PRAYER:-For Bail in Crime No.1 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner/A4 was arrested and remanded to judicial custody, on 30/01/2023 for the offences punishable under section 8(c) r/w 20(b)(ii)(c), 25 and 29 (1) of NDPS Act and sections 468, 471 and 420 IPC, in Crime No.1 of 2023 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the de-facto complainant, who is the Inspector of Police by name Kavitha, on secrete information from the informer, along with the other police team, went to the place of occurrence. The police informer identified the white colour Car bearing registration No.TN-01-AY-3129. When the Car was intercepted by the police team, two persons were available. When they were enquired, they disclosed their name. Search was made and they were found in possession of 10 bags of dry Ganja and 4 number plates found in the Car. Further process was undertaken as per the rules and the accused were arrested on the spot. Later, FIR was registered as stated above.

3.During the course of the investigation, the involvement of this petitioner came to light. The petitioner was arrested and remanded to custody, on 30/01/2023 and ever-since, he is in custody.

4.Heard both sides.

5.The petitioner is arrayed as A4. This petition has been filed on the ground that except, the extra-judicial confession of the co-accused namely A1 and A2, no other material has been collected during the course of investigation. Apart from that, he has also stated that the mandatory provision of section 50 of the NDPS Act has not been complied. The co-accused namely Karthikeyan @ Karthick, who has been arrayed as A5 moved bail application before this court. That was heard and dismissed in Crl.OP



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(MD)No.12800 of 2023, dated 20/07/2023.

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6.Now coming to the issue, the observation that was made in the above said petition, may also be extracted herein for better appreciation.

“8.Perusal of the CD file shows that it is an interstate Ganja Trading and the co-accused used to purchase Ganja from Andhra Pradesh, transporting the same to Tamil Nadu and distributing the same to several persons. During the transport, another accused namely one Gopi was arrested by the Chennai Police. After the separation of 200 kgs of Ganja, this petitioner and other accused namely Antohy and Arulmurugan travelling in another Inova car. They were also intercepted by the police and arrested. So, reading of the above said CD file shows that it is a large scale team work, which continuously involved in interstate smuggling.”

7.So from the extracted portion of the earlier order clearly indicates that it is an Inter State Ganja Trading. About 200 kgs of Ganja was purchased from Andhra Pradesh, transported to Tamil Nadu and selling. This petitioner along with one Arulmurugan were travelling in another Inova Car. They were intercepted by the police. So, the argument on the side of the petitioner that except the confession



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statement of the co-accused, no other material is available is not correct on record.

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8. When huge quantity is involved that too interstate smuggling of the contraband is alleged, I am of the considered view that if the petitioner is enlarged on bail, he may abscond or even tamper the evidence. Now the final report is made ready and that was presented, on 28/02/2023, wherein this petitioner has shown as A7.

9. Considering the incarceration period, there shall be a direction to the trial court to complete the trial process within a period of five months from the date of taking cognizance.

10. With the above direction, this criminal original stands dismissed.

sd/-
01/08/2023

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

ER
TO
1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER,
SPECIAL COURT FOR EC AND NDPS ACT CASES, PUDUKKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.



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3 THE INSPECTOR OF POLICE,
NIBCID,
SIVAGANGAI POLICE STATION,
SIVAGANGAI DISTRICT.

4 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.

+1. CC to M/S. VISHNUVARTHANAN.P.M Advocate SR.No.11649

ORDER
IN
CRL OP(MD) No.13653 of 2023
Date :01/08/2023

SA/VR/SAR. /07.08.2023/5P/8C
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