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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22553 of 2022

Subin @ Subinraj

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.
(Crime No.365/2021).

... Respondent/Complainant

For Petitioner : M/s. Prabakaran.K,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

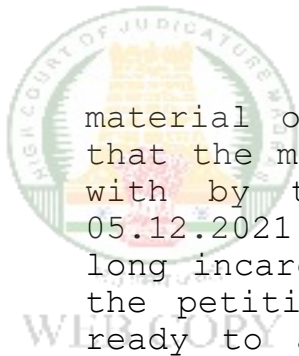
For Bail in Cr No.365/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3 was arrested, on 05/12/2021 and remanded to judicial custody for the alleged offence punishable under section 8(c) r/w 20(b), (ii) (C), 29(1) and 25 of NDPS Act, in Crime No.365 of 2021, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons were found in possession of 35kilograms of kanja, which is a commercial quantity.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that and he is no way connected with the case and nothing was recovered from him and there is no



material on record to connect the petitioner with the case and that the mandatory conditions under the NDPS act were not complied with by the respondents. The petitioner is in custody from 05.12.2021 and the petitioner has no criminal antecedents and the long incarceration before the trial would cause grave injustice to the petitioner and his family members and that the petitioner is ready to abide by any conditions that shall be imposed by this Court. Hence he seeks bail.

4. The learned Additional Public Prosecutor would submit that the due search was conducted and the contraband was seized from the unlawful possession of the accused and if he is released on bail there is every possibility of absconding and committing offence of similar nature and there is every possibility of him interfering with further investigation. He would further submit that the petitioner was found in possession of 35 kgs ganja and the said quantity involved in the case is commercial quantity which attracts Section 37 of NDPS Act. Hence he strongly opposed to grant bail to the petitioner/accused. He would further submit that now the final report has also been filed before the concerned trial court and it was taken cognizance in CC No.156 of 2022. He would also submit that earlier this Court while dismissing the petition filed by the co-accused has directed the trial court to expedite the trial process and complete the same within a period of six months from the date of receipt of a copy of the order.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. The petitioner is arrayed as A3. The contraband involved in this case 35kgs which is commercial quantity. In the opinion of this Court, the petitioner has not satisfied the conditions as required under the mandate of section 37 of the NDPS Act for grant of bail.

7. In the result, the Criminal Original Petition stands dismissed and the learned trial Judge is directed to comply with the earlier order passed by this Court in Crl.O.P(MD) No.18131 of 2022 dated 27.10.2022.

sd/-
25/01/2023

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/02/2023

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

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TO

1. THE 1ST ADDITIONAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
THIRUVATTAR,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.22553 of 2022

Date :25/01/2023

RK/SSS/SAR-2 (02/02/2023) 3P/5C