



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

Date : 02/01/2023

PRESENT

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

CRL OP(MD). No.23042 of 2022

K.Kumar,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Town West Police Station,
Thanjavur District.
Crime No. 1742 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Manimaran Na,Advocate.

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

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

PRAYER :-

For Bail in Crime No.1742 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who is facing a case for the offence punishable under Sections 8(c) r/w 20(b), (ii)(c), 25 and 29(i) of NDPS Act in C.C.No.90 of 2022 on the file of the learned Principal Special Court for EC & NDPS Act Cases, Thanjavur, in Crime No.1742 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 82kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the respondent police has not followed the mandatory provision of Sections 42, 50, 52A and 57 of the NDPS Act. He would further submit that the investigation has been completed and the case has been taken up for trial in C.C.No.90 of 2022 on the file of the learned Principal Special Court for EC & NDPS Act Cases, Thanjavur. Hence, he seeks for bail.



4.The learned Additional Public Prosecutor would submit that the petitioner along with the other accused were found in possession of 82kgs of Ganja, which is a commercial quantity. He would further submit that this is the petitioner's fourth application for bail and the earlier three applications have been dismissed and there is no change of circumstances and thereby, he would oppose for grant of bail. He would further submit that the case is in the midway of trial and five witnesses have been examined sofar and three more witnesses are to be examined. He would further submit that if the time frame is fixed, there is every possibility of the trial being concluded within a specified period.

5.Heard. Perused the materials available on record including the FIR.

6.Taking into consideration the facts and the submissions made by both the counsels, this Court is not inclined to grant bail to the petitioner.

7.Accordingly, this Criminal Original Petition stands dismissed with a direction to the learned Principal Special Court for EC & NDPS Act Cases, Thanjavur to complete the trial in C.C.No.90 of 2022 within a period of three months from the date of receipt of a copy of this order.

sd/-
02/01/2023

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/01/2023

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

SJI
TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR EC & NDPS ACT CASES, THANJAVUR.
- 2 THE INSPECTOR OF POLICE
TOWN WEST POLICE STATION, THANJAVUR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PUDUKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE SECTION OFFICER
CRIMINAL SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL OP(MD) No.23042 of 2022
Date :02/01/2023