



CRL OP(MD). No.4395 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/06/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.4395 of 2024

F.Patturaja

... Petitioner/ Accused No.18

Vs

The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
(In Crime No.142 of 2022).

... Respondent/ Complainant

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

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

To release the Petitioner/ Accused No.18 on bail in CC No.991/2023 on the file of the respondent Police and thus render justice.



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ORDER : The Court made the following order :-

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The petitioner/ A18, who was arrested on 25.05.2023 for the offence under Sections 8(c) r/w 20(b), (ii) (c) 25 and 29(i) of NDPS Act in connection with Crime No.142 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.10.2022, on secret information, when the Sub-Inspector of Police has intercepted the vehicles bearing Registration Nos. TN 48 BY 3753 Eicher and TN 69 AD 2630 Bolero Pickup near Kalaignanapuram to Vedapatti Road, they have recovered 540 kgs of ganja, 6 cans of Kerosene oil. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is arrayed as 18th accused in this case. Based on the confession statement of the co-accused, the petitioner has been implicated in this case. Except the confession statement, no other material is available as against this petitioner. He further submits that the earlier bail application filed by this petitioner was dismissed by this Court on 09.01.2024.



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4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner and submits that the quantity of ganja involved in this case is 545 kgs. The specific overt act as against the petitioner is that the petitioner has transported the contraband through his own Boat numbered IND-TN-10-MM-2680. He further submits that the petitioner is involved in yet another case of similar in nature. The trial in CC No.991 of 2023 is almost completed and posted for examination of investigating officer (LW27/PW7) for continuation of chief. The learned Additional Public Prosecutor further submits that since there are totally 20 accused in this case, cross examination of the witnesses are getting longer. However, the trial could be completed within a period of four months.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.Though the petitioner has made out a case that apart from the confession statement of the co-accused, there is no other material as against this petitioner, considering that the quantity of ganja involved in this case is a commercial quantity and also the fact that the case is at the fag end of the trial, this Court is not inclined to grant bail to the petitioner.



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7. Accordingly, this Criminal Original Petition is dismissed. However, considering the period of incarceration, there shall be a direction to the trial Court to conclude the trial within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is at liberty to renew his application, if the trial is not completed within a period of eight weeks as stipulated by this Court.

sd/-
03/06/2024

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/06/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1. The Special Court dealing with EC and NDPS Act cases, Madurai.
2. The Superintendent, Central Prison, Palayamkottai.
3. The Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :03/06/2024

RK/VR (11/06/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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