



CRL OP(MD). No.9118 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Indra,

2. Ramesh,

... Petitioners/Petitioners /Petitioners/
Petitioners / Accused No. 13 & 14

Vs

The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Crime No.355/2023.

... Respondent/Complainant

For Petitioners : M/s.Pitchai Muthu.M, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

To enlarge the petitioners on bail in C.C.No.142/2024 on the file of the Principal

Special Court for NDPS Act Cases, Madurai.



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ORDER : The Court made the following order :-

This Petition is filed to enlarge the petitioners on bail in C.C.No.142 of 2024 on the file of the Principal Special Court for NDPS Act Cases, Madurai.

The petitioners/ Accused, who were arrested and remanded to judicial custody on 04.11.2023 for the offences punishable under Section 8(c) read with Sections 20(b) (ii) (B), 25 and 29(1) of NDPS Act and Section 116 I.P.C @ into Section Section 8(c) read with Sections 20(b)(ii) (C), 25 and 29(1) of NDPS Act and Section 116 I.P.C , in crime No.355 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused had illegally transported 50 Kgs of Ganja.

3.Heard the learned counsel on either side and perused the material records of the case.

4. The learned counsel for the petitioner would strenuously submit that petitioners were implicated only on the confession of the Co accused. No contraband has been recovered from them. The case will not fall under the commercial category. Initially only 2 Kgs were recovered and even the first accused, who was caught red-handed with the contraband, was already released on bail. On his confession, subsequently more quantity have been recovered from A2 to A6. They were also released on bail by this Court. The petitioners are languishing in prison from



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04.11.2023. He would submit that even this is a case where the trial could not be completed within time, the prolongation beyond for almost two years, would attract Article 21 of the Constitution of India, because they are in custody from the year 2023.

5. The bail application is opposed by the learned Public Prosecutor by saying that the first petitioner is having antecedents of similar nature. She is having three three previous cases and the second petitioner is having six previous cases, out of which, one case is NDPS Act. Initially released on bail, subsequently, he absconded and only recently, he was arrested by P.T. warrant and produced in the present case. Still A8 is absconding.

6. When the case of the prosecution is that the total case involves a commercial quantity of recovery of 50 Kgs of Ganja and 14 accused are involved and charge sheet is filed and is taken on file as C.C.No.142 of 2024 only because one accused after the other are absconding and the trial could not take off, I am of the view that the stage has not ripened to consider the right of the petitioners to enlarge them on bail by applying Article 21 of the Constitution of India, so as to ignore the rigour of Section 37 of the NDPS Act. The contention whether it is in between quantity or commercial quantity cannot be gone into at this stage and it is for the trial Court to consider the same. Since the accused are in jail, it is also to be considered that after

hearing all the contention of the petitioners, earlier thrice, the bail applications has



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already been dismissed and I do not see any change of circumstance to entertain this 4th bail application. However, the petitioners are languishing in prison and on the next date of hearing, the trial Court shall consider and splitting up the case in respect of the absconding accused and thereafter, the trial Court shall take up the case with reference to the other accused and examine the witnesses and conclude the trial as expeditiously as possible.

7. With the above observations, the petition for bail stands dismissed.

sd/-
19/08/2024

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/ 08 /2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE PRINCIPAL SPECIAL JUDGE
COURT FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

3. THE OFFICER INCHARGE,
SPECIAL SUB-JAIL FOR WOMEN,
KOKKIRAKULAM, TIRUNELVELI.

<https://www.mhc.tn.gov.in/judis>



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

ORDER
IN

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Date :19/08/2024

PSP/JGB/SAR /27.08.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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