



CRL OP(MD). No.14930 of 2024

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

Date : 06/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14930 of 2024

Sudhakar

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Padalur Police Station,
Perambalur District.
(Crime No. 229/2023.)

... Respondent/Complainant

For Petitioner : M/s. Devaki.A, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 229 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who was arrested and remanded to judicial custody on
11.07.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) Section 25



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of the NDPS Act, 1985, in Crime No.229 of 2023 on the file of the respondent police,
seeks bail.

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2. The case of the prosecution is that the petitioner and other accused persons were found in illegal possession of 20.770 Kgs of Ganja. Hence, the complaint.

3. Heard both sides

4. The learned counsel for the petitioner would submit that the actual seizure in this case is only 18.767 kilograms and it is erroneously represented as if it is more than 20 kilograms and therefore, the case is not coming within the commercial quantity. Further, the co-accused (A6, A7 and A9) have already been enlarged on bail and the petitioner is languishing in prison from 11.07.2023 and therefore, she seeks bail.

5. Per contra, the learned Additional Public Prosecutor would submit that the total quantity involved in this case is 20.770 Kgs. According to him, the contraband was seized from the petitioner herein also. The case is now pending for trial and totally there are 9 accused to be examined in this case. The next date of hearing is 10.09.2024. He would further submit that the trial itself can be completed within a short date.

6. I have considered the rival submissions made on either side and perused the materials available on record.



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7. Even though the argument of the learned counsel for the petitioner that A6, A7 & A9 were released on bail, it is stated that they did not have any previous case. But, the petitioner herein has previous antecedents which includes two cases under NDPS Act.

8. At this juncture, the learned counsel for the petitioner submits that out of 2 cases, 1 is already ended in acquittal.

9. Be that as it may, the fact remains that the petitioner has antecedents. In that view of the matter, the petitioner's case cannot be equated to that of the accused enlarged on bail. Even though the petitioner is under long incarceration from 11.07.2023, there are materials against the petitioner. Considering the overall facts and circumstances of the case, I am not able to hold that the period has elongated to the extent of invoking Article 21 of the Constitution of India so as to overlook the rigour of Section 37 of the NDPS Act case. Therefore, I am not inclined to accept the prayer made by the learned counsel for the petitioner to enlarge the petitioner on bail.

10. However, considering the fact that the petitioner is in jail from 11.07.2023, the prosecution should produce all the accused without fail for the next hearing on 10.09.2024.

11. The learned Additional District and Sessions Judge/Presiding Officer,



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Special Court for EC and NDPS Act Cases, Pudukkottai, is also requested to expedite the trial by posting the case on shorter intervals and complete the same in any event not later than two months from the date of receipt of a copy of this order.

12. With the above directions, this Criminal Original Petition is dismissed.

sd/-
06/09/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1. The Additional District and Sessions Judge / Presiding Officer,
Special Court for EC and NDPS Act Cases, Pudukkottai.

2. The Inspector of Police,
Padalur Police Station,
Perambalur District.

3. The Superintendent,
Central Prison, Trichy.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.14930 of 2024
Date :06/09/2024



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ED/ SG /SAR- (19/09/2024) 5P / 5C

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