



CRL OP(MD). No.16442 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16442 of 2024

Manikandan,

... Petitioner/ A4

Vs

The State of Tamil Nadu,  
Represented by the Inspector of Police,  
S.S.Colony Police Station,  
Madurai District  
(Crime No.329/2023)

... Respondent/Complainant

For Petitioner : Mr.M.Chandra Sekaran  
Advocate

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C./483 of BNSS

PRAYER :-

For Bail in Crime No.329 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 10.03.2023 for the offences under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of Narcotic Drugs & Psychotropic Substances Act, 1985 in Crime No.329 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner would submit that in this case, it cannot even be said that the contraband was recovered from the petitioner. The first accused alone has given the confession. The petitioner is also ailing with some disease with reference to his right side eye. The petitioner is languishing in custody from 10.03.2023, and the trial has not even been commenced. Therefore, the petitioner should be enlarged on bail.

3. I have considered the said submissions made by the learned counsel for the petitioner.

4. On perusal of the materials, and upon hearing the learner Additional Public



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Prosecutor, it can be seen that the case of the prosecution is that the contraband which is of commercial quantity of 23 kilograms of Ganja was recovered from all of the four accused. Therefore, when the contraband itself was recovered also from the petitioner, it cannot be said that there is no material against the petitioner especially when the recovery, mahazar, etc., have been drawn up.

5. As far as the prolonged incarceration is concerned, considering the overall facts and circumstances of the case, I am not inclined to hold that the period of incarceration already undergone by the petitioner can be elongated to such extent that Article 21 of the Constitution of India is attracted so as to overcome the Section 37 of the NDPS Act. Therefore, I am not inclined to enlarge The petitioner on bail, especially for the reason that A6 is still absconding. For all of the above reasons, the prayer for enlargement of bail stands negatived.

6. Considering the fact that the petitioner is still in custody, and the fact that his prayer for enlargement of bail is rejected, it is for the prosecution to conduct the trial in an expeditious manner. It is stated that the accused Nos.1 to 5 are already in custody and A6 alone is absconding. In that case, a copy of this order shall be placed before the trial Court, and the trial Court shall make all the endeavors to split up the case and proceed with the trial in respect of accused Nos.1 to 5.



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7. A copy of this order shall also be placed before the higher officials so as to take steps to ensure that the Non-Bailable Warrant (NBW) is also executed and the other accused is also brought to books.

8. It is stated that there are 14 witnesses in this case. Therefore, upon production of a copy of this order, the trial Court shall also post the case for hearing on weekly basis and try to examine the witnesses and complete the trial, in any event, not later than two months from the date of receipt of a copy of this order.

9. As far as the contention of medical ground of the petitioner is concerned, since the petitioner is said to have an eye ailment, the Superintendent, Central Prison, Madurai is directed to refer the petitioner to the Government Rajaji Hospital, Madurai, and the petitioner shall be examined by the appropriate experts and the necessary treatment shall be meticulously given to the petitioner.

10. With the above observations, this Criminal Original Petition stands disposed of.

sd/-  
27/09/2024

/ TRUE COPY /

/10/2024

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

MKN



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TO  
WEB COPY

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

COPY TO:  
THE DEAN  
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

ORDER  
IN  
CRL OP(MD) No.16442 of 2024  
Date :27/09/2024

SS/VR/SAR- /17/10/2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023