



CRL OP(MD) No.22954 of 2023

WEB COPY

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22954 of 2023

GANESAN @ NAIBOARD GANESAN ... PETITIONER / SINGLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SELLUR POLICE STATION,
MADURAI,
IN CRIME NO.928/2021.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAJA A Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

TO ENLARGE THE PETITIONER ON BAIL IN CC NO.41/2022 IN CRIME NO.928/2021 PENDING ON THE FILE OF RESPONDENT.

ORDER : The Court Made the following order :-

The petitioner/Single Accused, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 29(i) of NDPS Act in C.C.No.41 of 2022 on



CRL OP(MD) No.22954 of 2023

the file of the I Additional Special Court for Trial of NDPS Act Cases, Madurai in Crime No.928 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police intercepted the petitioner on 14.11.2021 at about 08.15 a.m., and recovered 22kgs of Ganja from him and he remanded to judicial custody on 15.11.2021. Thereafter, the petitioner filed a bail application before the trial Court and the same was rejected by the trial Court. Hence, the present application is filed.

3.The learned counsel for the petitioner would submit that the petitioner is aged about 50 years and he is not in a position to carry 22kgs of Ganja in the empty hand, it is impossible to possess such a quantity and further, the petitioner was remanded to judicial custody on 15.11.2021. However, till date, there is no progress in the trial and therefore, no useful purpose would be served by keeping the petitioner in the prison, without any progress in the trial. It is curtailing the liberty of the petitioner, which is not sustainable one. In support of his contention, the learned counsel for the petitioner relied upon the decision of the Hon'ble Apex Court in *Criminal Appeal No(s). of 2023 (Special Leave Petition (Crl.) No(s).915 of 2023*. He would further submit that already the petitioner's son was falsely implicated in the murder case, he made a complaint before the higher officials as against the respondent police and in order to wreck vengeance, the present case has



CRL OP(MD) No.22954 of 2023

been registered against the petitioner. Hence, he prays for grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor for the State would submit that the petitioner is the sole accused, from him, 22kgs of Ganja was recovered and though the case was registered in the year 2021, the the charge sheet is filed within one year and earlier the petitioner filed a bail petition before the trial Court and the trial Court rejected the bail application and issue a direction to the respondent police to produce the witnesses. Accordingly, they produce the witnesses periodically and the trial is going on and further the case is posted on 24.01.2024 for examination of the Investigating Officer. He would further submit that apart this case, there are 11 previous cases pending against the petitioner, out of which, five previous cases are similar in nature and hence, there is bar under Section 37 of the NDPS Act, he vehemently opposed to grant bail to the petitioner.

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

6.Considering the facts that the quantity of contraband involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act and also considering the previous antecedents of the petitioner, this Court is not inclined to grant bail to the petitioner.



CRL OP(MD) No.22954 of 2023

7. In the result, this Criminal Original Petition is dismissed.

WEB COPY

sd/-
09/01/2024

/ TRUE COPY /

/01/2024

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

SJI
TO

- 1 THE INSPECTOR OF POLICE
SELLUR POLICE STATION, MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.22954 of 2023
Date :09/01/2024

SS/DD/SAR- /19/01/2024/4P/4C

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