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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.16800 of 2024

Raja

... Petitioner/ Accused-4

Vs

The State of Tamil Nadu,
Rep.by.The Sub-Inspector of Police,
Keerathurai Police Station,
Madurai District.

Crime No.374 of 2023

... Respondent/Complainant

For Petitioner : Mr.SMA Jinnah
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public PROsecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.374 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 10.05.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985, in crime No.374 of 2023, on the file of the respondent police, seeks bail.

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



2.The case of the prosecution is that the petitioner and other accused were found to be in illegal possession of 40 kgs of ganja. Hence, the complaint.

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

4.The learned Counsel for the petitioner would submit that the petitioner is an innocent person and merely because he was constructing a compound wall in the farm, he was also shown as if the contraband is recovered from him. As a matter of fact, he is totally unconnected and he is languishing in prison from 10.05.2023. There is no immediate possibility of concluding the trial. He further submits that the trial Court even misplaced the original papers and copies even has not yet been given to the petitioner. In that view of the matter, he would submit that even though earlier bail applications are dismissed, this Court should enlarge the petitioner on bail.

5.The learned Additional Public Prosecutor oppose for grant of bail on the ground that initially 40kgs of ganja was recovered and upon confession of the A-1, the police party was led to this farm thereunder from all the accused, total of 2050kgs of ganja was recovered. The petitioner was also very much in conscious possession and he has got previous antecedents also and the landlord has also spoken about the dubious activities of all these accused.

6.Be that as it may, when the case of a huge quantity, and when it is alleged that it is also recovered from the petitioner, at this stage, the defence version cannot



be appreciated by this Court for the purpose of holding that the rigor of Section 37 of NDPS Act, is not applicable to the petitioner. When huge quantity of ganja is said to have also been recovered from the petitioner, this is not a fit case for grant of bail. But at the same time, it is seen that the petitioner is arrested on 10.05.2023. It is stated by the learned Counsel for the petitioner that not even copies have been furnished so far.

7.The learned Public Prosecutor submits that some of the accused are absconding. If that be the case, the case has to be split up and the trial has to be further proceeded in this case in respect of the accused who are already in custody and attending the case. Therefore, the prosecution shall expedite the trial. The copies, if not furnished to all the accused shall be furnished at the earliest and the trial Court shall also make endeavour to split up the case as against the accused who are appearing and are in custody and proceed with the trial. In any event, the trial can be conducted as expeditiously as possible within a period of four months from the date of receipt of a copy of this order.

8.With the above direction, this Criminal Original Petition stands dismissed.

sd/-
17/10/2024

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/ /2024

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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1. The Principal Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai.

2. The Superintendent,
Central Prison,
Madurai.

3. The Sub-Inspector of Police,
Keerathurai Police Station,
Madurai District.

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

ORDER
IN

CRL OP(MD) No.16800 of 2024
Date :17/10/2024

KVL/23.11.2024 4P/5C

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