



CRL OP(MD) No.17728 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17728 of 2023

1 CHELLAPANDI
2 GUNASEKARAN

... PETITIONERS/ACCUSED NO.2 & 3

Vs

THE INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.162/2022).

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.MUNIYANDI, Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER : FOR BAIL IN CRIME NO.162/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A2 and A3, who are facing trial for the offences punishable
under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act in C.C.No.49 of 2023 on the
file of the Additional District and Sessions Judge, Presiding Officer, Special Court for

EC and NDPS Act Cases, Pudukkottai in Crime No.162 of 2022 on the file of the

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



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respondent police, seek bail.

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2.The case of the prosecution is that based on the secret information, the respondent police conducted raid at Madurai to Rajapalayam Main Road. They intercepted the accused persons nearby Krishnan Kovil Bus Stand and on search, they found 22kgs of Ganja from the accused persons. Hence the case.

3.The learned counsel for the petitioners would submit that the contraband recovered from the petitioners is a commercial quantity and hence, this Court may issue a direction to the Trial Court to complete the trial within a reasonable time.

4.The learned Additional Public Prosecutor for the State would submit that the petitioners were found in illegal possession of 22kgs of Ganja, which is a commercial quantity and in this case, investigation has been completed and the charge sheet has already been filed before the concerned Court. He would further submit that the petitioners have not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he opposed to grant bail to the petitioners.

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

6.Considering the fact that the contraband involved in this case is a commercial quantity and considering the fact that the petitioners have not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to



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grant bail to the petitioners.

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7. In the result, this Criminal Original Petition is dismissed. However, the learned Additional District and Sessions Judge, Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai, is directed to complete the trial as expeditiously as possible.

sd/-

02/01/2024

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/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, KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE ADDITIONAL DISTRICT & SESSIONS JUDGE,
PRESIDING OFFICER,
SPECIAL COURT FOR EC & NDPS ACT CASES,
PUDUKKOTTAI.

ORDER IN
CRL OP(MD) No.17728 of 2023
Date :02/01/2024

PKP/VR/SAR-(08.01.2024) 3P 5C
Madurai Bench of Madras High Court is issuing
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