



CRL OP(MD) No.22186 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Fourth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22186 of 2023

ARUNKUMAR

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
DINDIGUL NIBCID POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.05 OF 2022)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.SELVAKUMAR.S Advocate

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

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

PRAYER:

TO RELEASE THE PETITIONER/ACCUSED ON BAIL IN C.C.NO. 934 OF 2022 BEFORE THE LEARNED PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT, MADURAI IN CRIME NO.05 OF 2022 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who is 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.934 of 2022 on the file of the learned Principal Special Court for EC and NDPS Act, Madurai, in Crime No.05 of 2022, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the accused persons were found in possession of 215kgs of Ganja. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a driver cum owner of the vehicle and no recovery was made from him and he is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that in this case A2 filed an application for bail before this Court in Crl.O.P.(MD)No.11450 of 2023 and this Court dismissed the same and directed the trial Court to complete the trial in C.C.No.934 of 2022, within a period of six months from the date of receipt of a copy of that order. Hence, this Court may a issue a direction to the trial Court to completion of trial which was already directed by this Court.

4.The learned Additional Public Prosecutor for the State would submit that the petitioner and other accused were found in illegal possession of 215kgs of Ganja, it is a commercial quantity and he has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, 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.



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6. Considering the above facts and circumstances of the case and also 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, this Court is not inclined to grant bail to the petitioner.

7. In the result, this Criminal Original Petition is dismissed. However, the learned Principal Special Court for EC and NDPS Act, Madurai, is directed to complete the trial and dispose of the case in C.C.No.934 of 2022, within a period of six months from the date of receipt of a copy of this order.

sd/-
04/01/2024

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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 PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE
DINDIGUL NIBCID POLICE STATION,
DINDIGUL DISTRICT.



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3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.22186 of 2023
Date :04/01/2024

SS/VR/SAR- /09/01/2024/4P/5C

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