

In the court of the Principal Special Court for EC & NDPS Act Cases, Madurai.

Present: Thiru V. Padmanabhan, M.A., M.L. D.H.  
Additional District Judge/Presiding Officer.

Dated this the 04th of September 2020, Friday

Special *Crl.M.P.No.389 of 2020*

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1) Shanmugavel,(33/2020)  
S/o.Subbiah Thevar. .. Petitioner/Accused

- /Versus/-

State through the Inspector of Police  
Pettai Police Station,  
Cr.No.21/2020. .. Respondent/Complainant

This bail petition u/s. 167(2)Cr.P.C. is filed through online/email on 02.09.2020 and taken on file before me finally on this day in the presence of Thiru.N. Pragalanathan, Advocate for the petitioner and Thiru.P.Seetharaman, Special Public Prosecutor for the State and upon perusing the records this court delivered the following:-

### **ORDER**

Heard both sides through conference call.

2) The learned counsel appearing for the petitioner/accused would submit that the petitioner has been in judicial custody from 22.01.2020 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (B) of NDPS Act; that the petitioner did not involve in this incident as alleged on prosecution side; that the respondent did not complete the investigation till date; that the petitioner is entitled to the benefit under section 167 (2) Cr.P.C. and that the petitioner may be granted bail.

3) In the objections filed on prosecution side it is stated that final report was not yet filed and that petition may be dismissed.

4) During argument hearing, the learned Public Prosecutor it is fairly conceded that charge sheet was not yet filed.

5) From perusal of records it reveals that the petitioner is in custody from 22.01.2020 and charged for the alleged offence under section 8(c) r/w 20 (b) (ii) (B) of NDPS Act.

6) In these circumstances this court comes to the conclusion that the petitioner is entitled to mandatory bail under section 167(2) of Cr.P.C.

7) Hence, the petitioner is enlarged on bail on his executing own bond for Rs.10,000/- before the Superintendent, Central Prison, Palayamkottai. Further, he should appear before this court within 15 days from lifting of lock down, along with two sureties and execute a bond for the like sum each to the satisfaction of this Court and further condition to appear and sign before the respondent Police Station at 10.00 A.M. continuously without any deviation one month daily from lifting of lock down period. Thereafter four weeks on every Friday.

In the result this petition is **Allowed**.

(Sd.) V.Padmanabhan,  
Additional District Judge / Presiding Officer,  
Prl. Spl Court for EC & NDPS Act Cases,  
Madurai.

**Copy to:**

- 1) The Superintendent of Central Prison, Palayamkottai.
- 2) The Inspector of Police,  
Pettai Police Station.
- 3) The counsel for the petitioner.