

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 18th Day of May 2020, Monday.

Special Crl.M.P.No. 64 of 2020

...

Muthupandi,(30/2019),

S/o.Thangapandi.

.. Petitioner/Accused.

/Versus/

State through the Inspector of Police,

Pattiveeranpatti Police station.

Cr.No.422/2020.

.. Respondent/Complainant.

This bail petition is filed through **online/email** on 07.05.2020 account of the Court Manager, Principal District Court, Madurai and taken on file, before me finally on this day in the presence Thiru.C.Bharthiraja, Advocate for the petitioner and Thiru.P.Seetharaman, Special Public Prosecutor and upon perusing the records this court delivered the following:-

ORDER

1) Due to national lockdown for COVID 19 virus pandemic, as a result prohibitory order u/s 144 of Cr.P.C has been promulgated by the Government of Tamil Nadu since 25.3.2020 and in turn regular work of the Subordinate Judiciary has also been suspended by the Hon'ble High Court of Madras. Whereas, exceptions have been granted to attend urgent works like bail depending upon the facts and circumstances of the case and also the nature of emergency. Accordingly, this petitioner/accused has filed this bail application on 07.05.2020 through online which has been forwarded to this court through e-mail account through the Court Manager, Principal District Court, Madurai, and taken on file.

2) Heard both sides through conference call.

3) The learned Counsel appearing for the petitioner/accused would submit that the petitioner has been in judicial custody from 10.11.2019 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (C) & 25 of NDPS Act; that the petitioner did not involve in this incident as alleged on prosecution side; that the petitioner is an innocent person; that if the petitioner is released on bail he will abide the conditions of this court and that he may be released on bail.

4) Per contra, in the objections filed on prosecution side it is stated that on 10.11.2019 on receipt of secret information the Inspector of Police, Pattiveeranpatti Police Station went to the spot along with his raiding party where he intercepted the two wheeler in which the petitioner was coming along with co-accused; after explaining the rights of accused the said Police Officer recovered 21 kgs of ganja from the said persons; that investigation is pending; that if the petitioner is released on bail he will again involve in similar nature of offence and that petition may be dismissed.

5) From perusal of entire case records including confession statement of this accused, at this stage prima facie material is available to show that at the time of incident this petitioner came in offending two wheeler along with co-accused and contraband and the same was recovered by the concerned Police Officer.

. 6) Further, for granting bail in a case involving commercial quantity under NDPS Act satisfaction in terms of section 37 of NDPS Act must be records. But the petitioner did not put forth any reasonable ground for belief that he is not guilty of offence and he is not likely to commit the offence on bail.

7) After dismissal of earlier bail application there is no change of circumstances

8) Considering the above circumstances, serious objections on prosecution side,

stage of the case, weight of contraband and in the interest of justice, this court is not inclined to grant bail to the petitioner at this stage.

In the result, this petition is dismissed.

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