

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 CrI.M.P.No. 63 of 2020

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1) Saravanan,(29/2019)

S/o. Sekar.

2) Muthuraja,(28/2019)

Kathavarayan.

.. Petitioners/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 22.04.2020 account of the Court Manager, Principal District Court, Madurai and taken on file, before me finally on this day in the presence Thiru.M.Maran, Advocate for the petitioners 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 petitioners/accused have filed this bail application on 22.04.2020 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 petitioners/accused would submit that the petitioners have 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 petitioners did not involve in this incident as alleged on prosecution side; that it is not possible to drive a two wheeler with two pillion riders and also along with 21 kgs ganja; that the petitioners are innocent persons; that if the petitioners are released on bail they will abide the conditions of this court and that they 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 petitioners were coming along with co-accused; after explaining the rights of the accused the said Police Officer recovered 21 kgs of ganja from the said persons; that investigation is pending; that the petitioners already involved in previous case incidents; that if the petitioners are released on bail they will again involve in similar nature of offence and that petition may be dismissed.

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

6) The learned Counsel for the petitioners further contended that crime number was mentioned in the arrest card and documents allegedly prepared in the spot are typed in laptop. This argument has no force at all at this stage. Under what circumstances, crime number was mentioned and how documents were prepared in the spot can be decided during trial only. Admittedly, the petitioners are also detained as drug offender.

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

8) 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 petitioners did not put forth any reasonable ground for belief that they are not guilty of offence and they are not likely to commit the offence on bail.

9) 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 petitioners 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.