

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 03rd Day of July 2020, Friday

Special CrI.M.P.No. 181 of 2020

Amaresan,(42/2020)
S/o.Sadaiyathevar.

... Petitioner/Accused.

/Versus/

State through the Inspector of Police,
Cumbum North Police Station.
Cr.No.909/2020.

... Respondent/Complainant.

This bail petition is filed through **online**/email on 26.06.2020 and taken on file before me finally on this day in the presence of Thiru.B.Pandiarajan, 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 16.06.2020 and charged for the alleged offence under section 8 (c) r/w 20 (b) (ii) (C), 25 & 29(1) of NDPS Act and 269 IPC; that the petitioner did not involve in this case 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.

3) In the objections filed on prosecution side it is stated that on 16.06.2020 at 07.00 A.M., on Cumbum Kottuva Pallivasal Road in the spot the offending car and two wheeler was intercepted by the concerned Police Officer after receipt of secret information; that the petitioner along with co-accused persons came in the car and contraband weighing 23 kgs was recovered from the said car; that the petitioner is the habitual

offender; that he already involved in six similar nature of offences; he is doing ganja business from the year 2005; that two accused already absconded; that investigation is pending and that petition may be dismissed.

4) In the objections filed on prosecution side it is specifically stated that the petitioner already involved in six similar nature of offences. As per S.37 of NDPS Act in respect of commercial quantity the Court cannot grant bail to the accused as a matter of routine. The court has to satisfy based on the reasonable grounds that the accused will not be found guilty if the trial is taken up. Further, this Court has to satisfy that if the accused was granted bail he will not commit any such similar offence on bail. As indicated in the objections the petitioner already involved in six similar nature of offences. This court could not hold that the petitioner will not involve in similar offence in future if he is granted bail.

5) From perusal of entire case records, at this stage prima facie material is available to show that at the time of incident the petitioner along with co-accused came in the offending car and 23 kgs ganja was recovered from the offending car by the concerned Police officer.

6).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) Considering the above circumstances, serious objections on prosecution side, previous bad antecedents of the petitioner, stage of the case 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.