



CRL OP(MD) No.4950 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY (Criminal Jurisdiction)

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4950 of 2024

SIVAPRAKASH

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
SOORAKUDI POLICE STATION
TUTICORIN DISTRICT.
(CRIME NO.124/2023.)

... Respondent / Complainant

For Petitioner : M/s.A.G.Karthik Kumar, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER : FOR BAIL IN CRIME NO.124/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 12.12.2023 for the offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 29(1) and 25 of NDPS Act, 1985 in Crime No.124 of 2023 on the file of the respondent police,



seeks bail.

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2. The case of the prosecution is that based on the secret information received, the respondent police rushed to the spot and seized 12 gunny bags having Ganja weighing about 529 kgs from the accused persons. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 12.12.2023. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the quantity involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions required under Section 37 of the NDPS Act. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the quantity involved in this case is 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. However, after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated under section 52(A) of NDPS Act and as



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per the guidelines issued by the Hon'ble Supreme Court of India in the case of
WEB COPY
Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/03/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Additional District Judge,
Principal Special Court for Trial of NDPS Act Cases, Madurai.

1.The Inspector of Police,
Soorakudi Police Station,
Tuticorin District.

2.The Superintendent,
Central Prison,
Palayamkottai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4950 of 2024
Date :28/03/2024



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ED/ VR /SAR- (12/04/2024) 4P / 5C
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