



CRL OP(MD) No.5048 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(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.5048 of 2024

C.ARUNKUMAR

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 163 OF 2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MOHAMED RIYAZ.A Advocate

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

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

PRAYER:- TO ENLARGE THE PETITIONERS ON BAIL C C NO. 20 OF 2024 INCRIME NO. 163 OF 2023 ON THE FILE OF THE LEARNED I ADDITIONAL DISTRICT JUDGE FOR NDPS ACT AND PASS SUCH FURTHER OR OTHER ORDERS.

ORDER : The Court Made the following order :-

The petitioner/ A1, who is facing trial for the offences punishable under

Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(1) of the Narcotic Drugs and Psychotropic

<https://www.mhc.tn.gov.in/judis>



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Substances Act, 1985, in C.C.No.20 of 2024 on the file of the learned I Additional District Judge for NDPS Act, in Crime No.163 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police intercepted the petitioner and recovered 72 kgs of Ganja from his car. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is a driver of car and he is innocent and he did not commit any offence as alleged by the prosecution. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner acted as a driver and he illegally transported 72 kgs of Ganja, which is a commercial quantity and the petitioner has not satisfied the twin conditions as contemplated 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 seized contraband involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as contemplated under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

6.However, after the seizure procedure is over, the concerned Magistrate and the respondent Police are directed to comply with the guidelines enumerated



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under section 52(A) of NDPS Act and as per the guidelines issued by the Hon'ble Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((2016) 3 SCC 379).

7.In view of the above, this Criminal Original Petition is dismissed.

sd/-
28/03/2024

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

SJI
TO

1 THE I ADDITIONAL DISTRICT JUDGE FOR NDPS ACT CASES, MADURAI.

2 THE DISTRICT AND SESSIONS JUDGE FOR
EC AND NDPS ACT CASES, MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.5048 of 2024
Date :28/03/2024

SA/GS/SAR. /12.04.2024/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.