



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16406 of 2022

K. Manikandan ... Petitioners/Accused No.1
Vs

The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone, Madurai.
(In NCB.F.No.48/1/06/2021/NCB/MDU).

... Respondent/Complainant

For Petitioner : M/s. S.Karuppasamy Pandian
for Meenakshi Sundaram V,
Advocate.

For Respondent : Mr.C.Arul Vadivel @ Sekar,
Special Public Prosecutor for NCB Cases

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

PRAYER :-

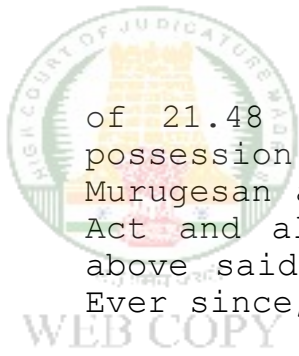
For Bail in NCB.F.No.48/1/06/2021/NCB/MDU on the file of the
Respondent Officer.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 26.10.2021 for
the alleged offences under Sections 8(C), 20(b)(ii)(B), 22(C) and 29
of the NDPS Act, in NCB.F.No.48/1/06/2021 NCB.MDU, on the file of
the respondent police, seeks bail.

2.The case of the prosecution in brief:-

On specific information, the Officers attached to NCB, Madurai,
seized 620 grams of Hashish Oil from a consignment with air way bill
No.R 43805701 at DTDC Courier Office, opposite to Pudukkottai bus
stand, Pudukkottai, with Consignor name Ameer Suhail and Consignee
name Murugesan. It was declared that food items. The seizure was
effected in the presence of two independent witnesses. On that
basis, two persons namely, A1 & A2, who took delivery of the
contraband from DTDC Courier Office, were issued with summons under
Section 67 of NDPS Act. Based upon the information furnished by
them, follow up action was initiated, which resulted another seizure



of 21.48 grams Hashish and 221 grams of Psilocybine possession of one Murugesan. Summon was issued to the above said Murugesan and all of them gave a statement under Section 67 of NDPS Act and all the accused admitted their role. On that basis, the above said case was registered. They were arrested on 26.10.2021. Ever since, they are in custody.

3. Seeking bail, the first accused namely, Manikandan filed this petition. Earlier petition that was filed by him came to be dismissed by this Court, in Crl.OP(MD)No.12861 of 2022, on 02.08.2022, on the ground that what has been recovered is a huge quantity, which comes under the commercial quantity and Section 37 of the NDPS Act has not been complied.

4. The petitioner filed this petition on the ground that the contraband that alleged have been taken delivery by this petitioner is not a commercial quantity. So, Section 37 of NDPS Act may not be applicable.

5. Per contra, the Special Public Prosecutor would submit that even though the contraband that has been taken delivery by this petitioner is not a commercial quantity, based upon the information furnished by this petitioner and other accused persons, huge quantity has been seized from the possession of one Murugesan and all of them conspired together and engaged in illegal trading of Hashish Oil. According to him, the consignment is only portion of the huge quantity, that was seized from the above said Murugesan. So, the consignment cannot be separated from the above said huge quantity.

6. Considering the above said facts and circumstances, I am of the considered view that as rightly pointed out by the learned Special Public Prosecutor, the above said consignment though not commercial quantity, it form part of the huge quantity, which was seized from the above said Murugesan. So, Section 37 of the Act was not complied by the petitioner.

7. Except stating that it is a foisted case, he was directed to receive the consignment, without knowing the contention of the same, he received the same cannot be taken into account.

8. Accordingly, this Criminal Original Petition is **dismissed**.

sd/-
27/09/2022

/ TRUE COPY /

/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SUPERINTENDENT,
CENTRAL JAIL, PUDUKOTTAI.

2. The Intelligence Officer,
Narcotics Control Bureau,
Madurai Sub Zone, Madurai.

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

+1 CC to M/s.V.MEENAKSHI SUNDARAM, Advocate (SR-10776[I] dated
29/09/2022)

ORDER

IN

CRL OP(MD) No.16406 of 2022

Date : 27/09/2022

RK/SSS/SAR-1 (01/11/2022) 3P/5C