



CRL OP(MD) No.565 of 2024

WEB COPY

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

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.565 of 2024

P.RAMU

... PETITIONER/ A5

Vs

THE INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE,
MADURAI,
F.NO.48/1/05/2022

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.PRASANNA, Advocate
For Respondent : MR.ARUL VADIVEL @ SEKAR,
Special Public Prosecutor for NCB Cases

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

PRAYER : TO ENLARGE THE PETITIONER ON BAIL IN CONNECTION WITH
F.NO.48/1/05/2022 ON THE FILE OF THE RESPONDENT.

ORDER : The Court Made the following order :-

The petitioner / A5, who was arrested and remanded to judicial custody on
27.02.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(c), 23, 28 and
29 of Narcotic Drugs & Psychotropic Substances Act, 1985, in F.No.48/1/05/2022 on
the file of the respondent Police, seeks bail.



CRL OP(MD) No.565 of 2024

WEB COPY

2.The case of the prosecution is that on 21.11.2022, the officers of the Indian Coast Guard Station (ICGS), Mndapam intercepted the boat near India - Srilanka border and found 290.490 Kg of Ganja from the accused persons. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that this is the second bail petition. Earlier bail petition filed by the petitioner in CrI.OP(MD)No.18956 of 2023 has been withdrawn by the petitioner on 06.12.2023. The petitioner is the owner of the boat and A3 is the neighbour of the petitioner. Usually A3 take the boat from the petitioner on rental basis. Hence, there is no nexus between the petitioner and the other accused persons. Further, he is in custody from 26.11.2023. Hence, he prays to grant bail.

4.The learned Additional Public Prosecutor for the State would submit that the petitioner and the other accused were found in illegal possession of 290.490 Kg of Ganja, which is a commercial quantity and in this case, investigation is pending. He would further submit that the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he opposed to grant bail to the petitioner.

5.Heard the learned counsel on either side and perused the material records of the case.



CRL OP(MD) No.565 of 2024

WEB COPY

6. Considering the fact that the contraband involved in this case is a commercial quantity and considering the fact that 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.

7. In the result, this Criminal Original Petition is dismissed.

sd/-

22/01/2024

/ TRUE COPY /

/01/2024

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

dss

TO

1 THE INTELLIGENCE OFFICER, NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONE, MADURAI,

2 THE OFFICER INCHARGE, DISTRICT JAIL, PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.565 of 2024

Date :22/01/2024

RS/JGB/SAR-(30.01.2024) 3P 4C

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