



CRL OP(MD) No.3134 of 2024

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

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3134 of 2024

MATHESH

... PETITIONER / ACCUSED 3

Vs

THE INSPECTOR OF POLICE  
VALLAM POLICE STATION,  
THANJAVUR DISTRICT.  
CR.NO.578/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. KARTHICK.M Advocate

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

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

PRAYER:- FOR BAIL IN CRIME NO. 578/2023 ON THE FILE OF THE  
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial  
custody on 30.11.2023, for the alleged offence under Sections 8(c) r/w 20(b)(ii)(A) and  
22(c) of NDPS Act, 1985, in Crime No.578 of 2023, seeks bail.



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2. The case of the prosecution is that the petitioner and the other accused persons were found in possession of 700 grams of Ganja and 550 grams of Diazepam and the respondent Police seized the contraband. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 30.11.2023. 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 commercial in nature and the respondent Police recovered the contraband from the petitioner and the other accused persons. He would further submit that as per Section 37 of the NDPS Act, 1985, he is not entitled for bail. Hence, he strongly objected for grant of bail to the petitioner herein.

5. Considering the facts and circumstances of the case and also considering the fact that the contraband is recovered from the petitioner and the other accused persons and that the quantity involved in this case is commercial in nature, this Court is not inclined to grant bail to the petitioner herein. 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 per



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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).

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

sd/-  
28/02/2024

/ TRUE COPY /

/03/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SSB  
TO

1 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

2 THE INSPECTOR OF POLICE  
VALLAM POLICE STATION,  
THANJAVUR DISTRICT.

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

ORDER IN  
CRL OP(MD) No.3134 of 2024  
Date :28/02/2024

SA/GS/SAR. /12.03.2024/3P/4C

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