



CRL OP(MD) No.1536 of 2024

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

Thursday, the Twenty Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1536 of 2024

SASIKUMAR

... PETITIONER / ACCUSED 5

Vs

UNION OF INDIA
THROUGH INTELLIGENCE OFFICER,
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONAL,
MADURAI DISTRICT.
F.NO.48/1/12/2023-NCB/MDS

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.JEYAMOHAN, Advocate

For Respondent : Mr.ARUL VADIVEL @ SEKAR,
Special Public Prosecutor

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

PRAYER:- TO GRANT BAIL FOR THE PETITIONER / ACCUSED IN F NO.48/ 1/
12/ 2023-NCB/MDS ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ A5, who was arrested and remanded to judicial custody for the
offences punishable under Sections 8(c), 20(b)(ii)(C), 27A, 28 and 29 of NDPS Act in



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F.No.48/1/12/2023-NCB/MDS, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 16.08.2023 based on the secret information, the respondent police seized 423kgs of Ganja from a Mahindra Bolero Pickup vehicle at R.S.Mangalam-Paramakudi Road, near Pitchankottai Village, Ramanathapuram District and subsequently, the investigation was conducted. As per the investigation and confession statement, one Pavithra purchased the contraband from Andhrapradesh by using Ashok Leyland Vehicle and the same was handed over to A1 to A3 at Viralimalai, which was escorted as per the directions issued by A4 and A5. A4 and A5 transported the said quantity from Ashok Leyland vehicle to Mohindra Bolero Pickup and thereafter, A1 to A3 proceeded to transport the same to Sri Lanka, at that time, they were caught hold by the respondent police near Pitchankottai Village. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and no previous case is pending against him. He would further submit that the petitioner is running a Youtube channel and he is a friend of A4 and A4 has previous antecedents involved for illegal transportation of Ganja and he associated with one Pavithra. Except this allegation, no other material available for implicating the petitioner along with A4, Pavithra and other accused persons and even as per the confession statement of A4,



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he is the friend of A5, the petitioner herein, he involved in several cases and as per the lawyer advice, the petitioner escorted A4 to various places, except this offence, no other offences can be attributed against the petitioner. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that there were frequent call transactions between A4 and the petitioner/A5 and the petitioner's cellphone was recovered from A4. In the petitioner's cellphone, there were frequent contacts between the said Pavithra and A4 and the said Pavithra purchased the said contraband from Andrapradesh illegally by using Ashok Leyland vehicle to Viralimalai and the same was monitored by A4 and the petitioner in the Innova car and thereafter, the same was transferred from Ashok Leyland vehicle to Mahindra Bolero pickup, which was recovered from the respondent police and the investigation is in crucial stage and the said Pavithra is not yet secured. Hence, he prayed for dismissal of this petition.

5.Considering the above facts and circumstances of the case and also considering the fact that the seized contraband involved in this case is a 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.

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 the result, this Criminal Original Petition is dismissed.

sd/-
29/02/2024

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

SJI
TO

1 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.

2 THE INTELLIGENCE OFFICER,
UNION OF INDIA
NARCOTICS CONTROL BUREAU,
MADURAI SUB ZONAL,
MADURAI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.1536 of 2024
Date :29/02/2024

SA/VR/SAR. /05.03.2024/5P/4C

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