



CRL OP(MD) No.2099 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2099 of 2024

A.VENKATRAMAN

... PETITIONER / ACCUSED 4

Vs

THE INSPECTOR OF POLICE
NIBCID TRICHY POLICE STATION,
TRICHY DISTRICT.
CRIME NO. 17 OF 2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VIKRAM B S Advocate

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

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

PRAYER:- FOR BAIL IN CRIME NO.17 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who is facing trial for the offences punishable under
Sections 8(c) r/w 20(b)(ii)(C) of NDPS Act, in Crime No.17 of 2023, on the file of the
respondent police, seeks bail.



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2.The case of the prosecution is that based on the secret information, the respondent police intercepted the petitioner's vehicle and seized 20 kgs and 780 grams of Ganja from the other accused persons. 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 he has already sold the vehicle, however, his name was not transferred and the said vehicle was used for illegal transportation of Ganja and he does not know the recovery of ganja from the vehicle. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is the owner of the vehicle and in his vehicle, the other accused persons illegally transported 20 kgs and 780 grams of Ganja and the same was recovered and in respect of all the accused, the bail application was dismissed.

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 though the contraband was seized from the other accused persons, the petitioner is the owner of the vehicle 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



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and the respondent Police are directed to comply with the guidelines enumerated 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/-

22/02/2024

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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 SUPERINTENDENT,
TRICHY CENTRAL JAIL AT THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE
NIBCID TRICHY POLICE STATION,
TRICHY DISTRICT.

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

ORDER IN
CRL OP(MD) No.2099 of 2024
Date :22/02/2024

SA/VR/SAR. /01.03.2024/3P/4C

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