



CRL OP(MD) No.1937 of 2024

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

Friday, the Sixteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1937 of 2024

PARTHIBAN

... Petitioner / Accused No.10

Vs

THE INSPECTOR OF POLICE
NIBCID, DINDIGUL,
DINDIGUL DISTRICT.
(CRIME NO.15 OF 2023.)

... Respondent / Complainant

For Petitioner : M/s.K.Prabakaran, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : TO PASS AN ORDER DIRECTING THE PETITIONER TO BE RELEASED ON BAIL IN THE EVENT OF HIS ARREST IN CONNECTION WITH CR.NO.15 OF 2023 ON THE FILE OF THE INSPECTOR OF POLICE,NIBCID,DINDIGUL,DINDIGUL DISTRICT FORTHWITH.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8(c), 20(b)(ii)(c), 25 and 29(i) of NDPS Act in



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Crime No.15 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that on 24.11.2023, at about 06.00 a.m., the respondent Police received secret information and went to the occurrence place, wherein, the accused persons were found in illegal possession of 23kgs of Ganja. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that no recovery is made from the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that the respondent Police has seized 23 kgs of Ganja from the accused persons and the seized contraband is a commercial quantity. Hence, he prays for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the fact that the seized contraband is a commercial quantity and 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 anticipatory bail to the petitioner. 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



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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).

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

sd/-
16/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Inspector of Police,
NIBCID, Dindigul,
Dindigul District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1937 of 2024
Date :16/02/2024

ED/ VR /SAR- (21/02/2024) 3P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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