



CRL OP(MD) No.2130 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2130 of 2024

S.MUTHUPANDI

... PETITIONER/ RANKED A-1

Vs

THE INSPECTOR OF POLICE
NIB-CID,
TRICHY DISTRICT.
CRIME NO.17 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.SELVAM 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, who was arrested and remanded to judicial custody on
06.12.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C) of the NDPS



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Act, 1985, on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that the petitioner has illegally transported 20.780 Kgs of contraband. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the respondent Police has detained two persons, wherein, one person rushed into the crowd and suddenly, he gave his bag to the petitioner and ran away from the spot. Thereby, the respondent Police has recovered 10 brown colour plastic cover with contraband in two shoulder bags from the petitioner herein and each contains 2.200 kgs of ganja. He would further submit that though the petitioner has satisfied the twin conditions as required under Section 37 of the NDPS Act, till now, he is in prison and hence, he prays for grant of bail.

4. Per contra, the learned Additional Public Prosecutor strongly objected this petition for grant of bail by stating that the petitioner is having seven previous cases, out of which, one previous case is similar in nature and remaining cases are under IPC offences. He would further submit that the petitioner is in joint possession



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of contraband with the other accused. He would further submit that the contraband recovered from the petitioner is a commercial quantity.

5. It is seen that the contraband recovered from the accused persons is a commercial quantity and moreover, the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act.

6. In view of the above, this Court is not inclined to grant 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 the 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/-
20/02/2024

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

TSG



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TO

1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/PRESIDING OFFICER
SPECIAL COURT FOR E.C AND NDPS ACT CASE, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE
NIB-CID, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.2130 of 2024

Date :20/02/2024

RK (23/02/2024) 4P / 5C

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