



CRL OP(MD) No.2037 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.2037 of 2024

RANJITH

... PETITIONER/ RANK ACCUSED-2

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : MR.D.SELVAM Advocate

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

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

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

ORDER : The Court Made the following order :-

The petitioner / A2, who apprehends arrest at the hands of the respondent

Police for the offence punishable under Sections 8(c) r/w 20(b)(ii)(c) of the NDPS Act,

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.2037 of 2024

1985 in Crime No.17 of 2023 on the file of the respondent Police, seeks anticipatory bail.

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 alleged contraband has been recovered only from the other accused persons and not from the petitioner herein. Hence, he prays for anticipatory bail.

4. Per contra, the learned Additional Public Prosecutor strongly objected this petition for grant of anticipatory bail by stating that the petitioner is having two previous cases and the said cases are similar in nature. He would further submit that the petitioner is in joint possession of contraband with the other accused. He would further submit that the contraband recovered from the petitioner is a commercial quantity.



CRL OP(MD) No.2037 of 2024

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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 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 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

TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
PRESIDING OFFICER SPECIAL COURT FOR E.C AND NDPS ACT CASES,
PUDUKKOTTAI.



CRL OP(MD) No.2037 of 2024

2.THE INSPECTOR OF POLICE
NIB CID,
TRICHY

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

ORDER
IN
CRL OP(MD) No.2037 of 2024
Date :20/02/2024

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

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