



CRL OP(MD) No.2444 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2444 of 2024

SUNDARAPANDI

... PETITIONERS/ ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE  
DHADIKOMBU POLICE STATION,  
DINDIGUL DISTRICT.  
CRIME NO.224 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.K.JEYAMOHAN, Advocate

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

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

PRAYER : TO GRANT BAIL TO THE PETITIONER IN THE CASE IN CC.NO.527 OF 2023 ON THE FILE OF PRINCIPAL EC NDPS JUDGE, DINDIGUL IN CONNECTION WITH THE CR.NO.224 OF 2022 ON THE FILE OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 28.07.2022 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 of NDPS Act, 1985, in Crime No.224 of 2022, on the file of the respondent police,



CRL OP(MD) No.2444 of 2024

seeks bail.

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2.The case of the prosecution is that on 28.07.2022 at about 01.00 p.m., on secret information, the respondent police went to the place of occurrence. On seeking the police party, A1 to A4 tried to run away from the place of occurrence. But the respondent police nabbed the accused and they were found in possession of 34 kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner/A3 is the brother of A1. He is working in a private IT Company at Chennai. He is an Income Tax Assessee and his annual income is more than Rs.4 lakhs. On account of village festival, he came to the village and attended the village festival. At that time, the respondent police came to the first accused's house and arrested him. The petitioner is being brother of A1 he was falsely implicated in this case. No previous case is pending against the petitioner. Hence, he prays for grant of bail to the petitioner. In support of his argument, the learned counsel produced a train ticket and the proof to show that the petitioner is working at Chennai.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that A1 used to purchase contraband along with A6 through A8. That



CRL OP(MD) No.2444 of 2024

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contraband was transported through train from Andhra Pradesh to Dindigul Railway Station by A15 & A20. From there, with the help of A16 to A19, on the instruction of A1 to A6, they transported the contraband through vehicle. They kept the contraband in the house of A7, where A3 and his wife A5 are residing. A15 namely, Jalabaga Logeswara Prasath is residing in Andhra Pradesh. Through him only, all the accused persons purchased contraband from Andhara Pradesh regularly. When the respondent police collecting the call details, it was found that all the accused had large network and also close access in dealing the drug trafficking in Tamilnadu. He would further submit that the contraband recovered from the petitioner also. The petitioner is having contact with A12. Rs.1,70,000/- was paid to the account of A12. The contraband involved in this case is commercial quantity and the investigation is in very preliminary stage. Hence, he strongly opposed to grant bail to the petitioners.

5.Heard both sides and perused the materials available on record.

6.On perusal of the records, it is revealed that the petitioner was arrested on 28.07.2022. The seized contraband is the commercial quantity. The petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act.

7.Considering the facts and circumstances of the case and there is no change of circumstances, 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



CRL OP(MD) No.2444 of 2024

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).

8. Accordingly, this Criminal Original Petition is dismissed. However, the concerned Court is directed to complete the trial as early as possible.

sd/-  
27/02/2024

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

INDU

TO

1 THE JUDGE,  
PRINCIPAL SPECIAL COURT FOR TRIAL OF NARCOTIC DRUGS AND  
PSHYCHOTROPIC SUBSTANCES ACT CASES,  
MADURAI.

2 THE INSPECTOR OF POLICE, DHADIKOMBU POLICE STATION,  
DINDIGUL DISTRICT.

3 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

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



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**CRL OP(MD) No.2444 of 2024**

ORDER

IN

CRL OP(MD) No.2444 of 2024

Date :27/02/2024

RS/GS/SAR-(11.03.2024) 5P 5C

Madurai Bench of Madras High Court is issuing  
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