



CRL OP(MD) No.2429 of 2024

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.2429 of 2024

MOHANRAJ

... PETITIONER / ACCUSED 3

Vs

THE INSPECTOR OF POLICE  
USILAMPATTI TOWN POLICE STATION,  
MADURAI DISTRICT.  
CR.NO.563/2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.KARUNANIDHI 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.563/2023 ON THE FILE OF  
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for  
the alleged offence under Section 8(C) r/w. Section 20(b)(ii)(B) and Section 25 of

NDPS Act, 1985 in Crime No.563 of 2023, seeks anticipatory bail.

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



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2.The case of the prosecution is that the petitioner herein is the accused No.3 and on 07.11.2023, when search was made by the respondent police, they caught A1, who was in possession of 4 kgs of Ganja, which was allegedly purchased from the petitioner herein and the same was recovered under a cover of mahazar. 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 and therefore, prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor strongly objected this petition for grant of anticipatory bail by stating that this is the second anticipatory bail application and the earlier application filed by the petitioner in Crl.OP(MD)No.22233 of 2023 was dismissed on 03.01.2024 on the ground that the petitioner has three previous cases of similar in nature.

5.It appears that this is the second application for anticipatory bail and the earlier application filed by the petitioner in Crl.OP(MD)No.22233 of 2023 was dismissed by this Court on 03.01.2024 on the ground that the petitioner has three previous cases of similar nature. Moreover, the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Now, this application is filed by the petitioner without referring the change of circumstances to consider the



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case.

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6. Considering the facts and circumstances of the case and also considering the fact that there is no change in 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 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/-  
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  
USILAMPATTI TOWN POLICE STATION,  
MADURAI DISTRICT.

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



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ORDER  
IN  
CRL OP(MD) No.2429 of 2024  
Date :16/02/2024

SA/GS/SAR. /21.02.2024/4P/3C

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