



CRL OP(MD) No.2889 of 2024

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

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four

PRESENT
The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2889 of 2024

RAJAPANDI

... PETITIONER/ ACCUSED NO.4

Vs

THE INSPECTOR OF POLICE
DINDIGUL NIBCID POLICE STATION,
CR.NO.15/2023

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.KARTHIKEYAN.C Advocate

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

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

PRAYER: FOR BAIL IN CRIME NO.15/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 25.11.2023 for the alleged offence punishable under Sections 8 (c), 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances ACT, 1985, in Crime No.15 of 2023 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused persons have illegally transported 23.600 Kgs of Ganja in a car. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that totally there are nine accused in this case and the petitioner is arrayed as Accused No.4. He would further submit that the petitioner is a physically challenged person and he has only two fingers in his hands and hence, he was not able to drive the car.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the contraband recovered from the petitioner is a commercial quantity. He would further submit that in order to transport the said Ganja to Srilanka, the accused persons were travelled in a car. He would further submit that the total contraband involved in this case is 100 Kgs and the respondent Police has recovered Rs.5,48,500/- from the accused persons. He would further submit that the alleged car was parked in front of the petitioner's house and the owner of the car is the petitioner's mother-in-law.



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5. On perusal of the records, it is seen that the contraband recovered from the petitioner 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/-
28/02/2024

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/03/2024
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 OFFICER IN CHARGE,
DISTRICT PRISON, DINDIGUL.

2. THE INSPECTOR OF POLICE
DINDIGUL NIBCID POLICE STATION, DINDIGUL.

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

ORDER

IN

CRL OP(MD) No.2889 of 2024

Date :28/02/2024

RK/GS(05/03/2024) 4P / 4C

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