



CRL OP(MD) No.2652 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.2652 of 2024

RAHIM

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
KANYAKUMARI NIBCID
CR.NO.1/2022 POLICE STATION,
TRANSFERRED FROM
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.79 OF 2021)

... RESPONDENT/COMPLAINANT

For Petitioner :MR. S. SELVA KUMAR Advocate

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

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

PRAYER : FOR BAIL IN CRIME NO.1 OF 2022 IN RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / A2, who is facing trial in C.C.No.706 of 2023 on the file of the

Principal Special Court for EC & NDPS Act Court, Madurai, for the offence

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



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punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of the NDPS Act, 1985 in
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Crime No.1 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 198 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 and hence, he prays for bail.

4. Per contra, the learned Additional Public Prosecutor strongly objected this petition for grant of bail by stating 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.

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.



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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.

TO

1.THE PRINCIPAL SPECIAL JUDGE FOR EC & NDPS ACT COURT, MADURAI.

2.THE INSPECTOR OF POLICE
KANYAKUMARI NIBCID
POLICE STATION, TRANSFERRED FROM
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.



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3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL OP(MD) No.2652 of 2024
Date :20/02/2024

RK/VR(23/02/2024) 4P / 5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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