



CRL OP(MD) No.2669 of 2024

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

Friday, the Twenty Third day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2669 of 2024

N.REGAN @ REEGAN

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.355 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.N.BALASUBRAMANIAN, Advocate

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

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

PRAYER : FOR BAIL IN CRIME NO.355 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.10.2023 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 29 (1) and 25 of NDPS Act, and Section 116 of IPC, in Crime No.355 of 2023, on the file of the respondent Police, seeks bail.



CRL OP(MD) No.2669 of 2024

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2.The case of the prosecution is that on 26.10.2013 at about 7.00 a.m., when the defacto complainant was doing routing vehicle checkup, a vehicle was intercepted by the defacto complainant, which was driven by the petitioner and he was found in joint possession of 8 kgs of Ganja and the co-accused was found in possession of 42 kgs of Ganja. The defacto complainant seized the contraband and the vehicle also. Hence, the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Only the vehicle was driven by the petitioner, but the entire Ganja was recovered from the other accused persons. He would further submit that the petitioner is in judicial custody for more than 112 days. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that 50 kilo grams of Ganja has been recovered from the accused persons, which is the commercial quantity. Hence, he strongly opposed to grant bail to the petitioner.

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

6.Considering the facts and circumstances of the case and also considering the fact that the seized contraband is the commercial quantity and the petitioner has not



CRL OP(MD) No.2669 of 2024

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satisfied the twin conditions as required under Section 37 of the NDPS Act, 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. Accordingly, this Criminal Original Petition is dismissed.

sd/-
23/02/2024

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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 ADDITIONAL DISTRICT JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE, NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTEDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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



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CRL OP(MD) No.2669 of 2024

ORDER

IN

CRL OP(MD) No.2669 of 2024

Date :23/02/2024

RS/VR/SAR-(07.03.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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