



CRL OP(MD) No.2610 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.2610 of 2024

CHINNA UDAIYAN @ SUBRAMANI ... PETITIONER/ 3rd ACCUSED

Vs

THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT,
CRIME NO.556/2023

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.SARAVANAN, Advocate

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

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

PRAYER:

FOR BAIL IN CRIME NO.556/2023 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 from
03.12.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29
(1) of the NDPS Act, 1985 in Crime No.556 of 2023 on the file of the respondent

Police, seeks bail.

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



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2. The case of the prosecution is that the petitioner has illegally transported 25 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 petitioner is in judicial custody for the past 76 days 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 having five previous cases and some previous cases are similar in nature. He would further submit 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.

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



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

TSG
TO

- 1 THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT,
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-2071[I] dated 20/02/2024)



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ORDER
IN
CRL OP(MD) No.2610 of 2024
Date :20/02/2024

PKP/GS/SAR /23.02.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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