



CRL OP(MD) No.2934 of 2024

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

Monday, the Twenty Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2934 of 2024

KUMAR

... PETITIONER / ACCUSED No.5

Vs

THE INSPECTOR OF POLICE
VETHARANYAM POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.227/2023

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.VENKATESAN.M, Advocate

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

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

PRAYER:

FOR BAIL IN CRIME NO. 227/2023 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on



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08.09.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(b)(c), 25 and 29(1) of NDPS Act, in Crime No.227 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.07.2023, based on the secret information, the respondent police went to south side of the Kuravappulam, Karuppampulam Junction, at about 13.35 hours, intercepted a two wheeler along with one TATA Sumo Gold Car bearing Registration No.TN-51-AS-2822, and searched the said vehicles and they found that the accused persons were in possession of 300 kgs of Ganja with dry leaves and flowering tops. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is the driver of the said car and he was falsely implicated in this case and he was not aware of the smuggled goods in the said car and the same was hided by the other accused persons and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant bail to the petitioner.

4. The learned Additional Public Prosecutor for the State would submit that the petitioner is the driver of the vehicle and 300 kgs of Ganja was recovered from the

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



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vehicle and his name was found in the recovery mahazar. He would further submit that apart from this case, the petitioner is having three previous cases and the quantity of contraband involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side and perused the material records of the case.

6. It appears that this is the second application for bail and the earlier bail application filed in CrI.OP(MD)No.22094 of 2023 was dismissed by this Court on 03.01.2024, on the ground that the petitioner is having three previous cases the quantity of contraband involved in this case is a commercial quantity and 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 case.

7. Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, this Court is not



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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).

8. In the result, this Criminal Original Petition is dismissed.

sd/-
26/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

- 1 THE INSPECTOR OF POLICE
VETHARANYAM POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.



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

ORDER
IN

CRL OP(MD) No.2934 of 2024
Date :26/02/2024

PKP/VR/SAR /13.03.2024/ 5P/ 4C

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