



CRL OP(MD) No.2858 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.2858 of 2024

A.KUBENDRAN

... PETITIONER/ACCUSED NO.7

Vs

THE INSPECTOR OF POLICE  
DINDIGUL TALUK POLICE STATION,  
DINDIGUL DISTRICT.  
CRIME NO.727/2019.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.NA.MANIMARAN, Advocate

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

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

PRAYER :

TO RELEASE THE PETITIONER/ACCUSED ON BAIL IN CONNECTION  
WITH CC NO.152/2020 IN CRIME NO.727/2019 IN ON THE FILE OF THE  
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A7 who was arrested and remanded to judicial custody on  
01.02.2022 for the alleged offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 29  
(1) and 25 of NDPS Act, 1985, in Crime No.727 of 2019, on the file of the respondent



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Police, seeks bail.

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2.The case of the prosecution is that on 06.12.2019 at about 11.45 hours, the accused Nos.1 to 5 were found in possession of 213 Kgs Ganja and they were arrested. In their confession statement, they confessed that those Ganjas were brought by this petitioner and his brother, by name, Ravi. 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. Based on the confession of the accused Nos.1 to 5, this petitioner has been implicated in this case. Hence, he prays for bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that 213 kilo grams of Ganja has been recovered from the accused persons, which is the commercial quantity. Further, two previous cases are pending against the petitioner. Hence, he strongly opposed to grant bail to the petitioner.

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

6.On perusal of the records, it is revealed that the petitioner was arrested on 01.02.2022 by the respondent Police based on the confession of the accused Nos.1 to 5. The seized contraband is the commercial quantity. The petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act.

7.Considering the facts and circumstances of the case and there is no change of



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circumstances, 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).

8. 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 JUDGE,  
I ADDITIONAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,  
MADURAI.

2 THE INSPECTOR OF POLICE, DINDIGUL TALUK POLICE STATION,  
DINDIGUL DISTRICT.

3 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.NA.MANI MARAN, Advocate ( SR-2313[I] dated 23/02/2024 )



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ORDER

IN

CRL OP(MD) No.2858 of 2024

Date :23/02/2024

RS/GS/SAR-(11.03.2024) 4P 6C

Madurai Bench of Madras High Court is issuing  
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