



CRL OP(MD). No.2820 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.2820 of 2024

S.Asai

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Town West Police Station,
Thanjavur District.
In Crime No.1260 of 2023.

... Respondent/Complainant

For Petitioner : Mr.NA.MANIMARAN,
Advocate.

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

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

PRAYER :- For Bail in Crime No.1260 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b), (ii)(B) and 29(1) of NDPS Act in C.C.No.192 of 2023 on the file of the Additional District and Sessions Judge for E.C. and NDPS Act Cases, Thanjavur, and he was arrested and remanded to judicial custody on 04.10.2023 in Crime No.1260 of 2023, on the file of the respondent Police, seeks bail.



CRL OP(MD). No.2820 of 2024

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2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 15kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. Further, except this case, no case is pending against the petitioner, investigation is completed and Charge Sheet is also filed. Since, the seized contraband is not the commercial quantity, twin condition is not applicable to this case. He would further submit that the petitioner is in judicial custody for more than four months. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that an earlier bail petition was dismissed by this Court, vide order dated 24.01.2024 and now, there is no change in circumstances. Further, eight previous cases are pending against the petitioner, among which, one is similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, the seized contraband is not the commercial quantity and it is a intermediate quantity, this Court is inclined to grant



CRL OP(MD). No.2820 of 2024

bail to the petitioner with certain conditions.

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7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge for E.C. & NDPS Act Cases, Thanjavur, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the concerned trial Court on each and every hearing date without fail;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



CRL OP(MD). No.2820 of 2024

India Vs. Mohanlal and Another ((2016) 3 SCC 379).

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(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/02/2024

/ TRUE COPY /

23/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE ADDITIONAL DISTRICT & SESSIONS JUDGE
FOR EC & NDPS ACT CASES,
THANJAVUR.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

3 THE INSPECTOR OF POLICE,
TOWN WEST POLICE STATION,
THANJAVUR DISTRICT.

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



CRL OP(MD). No.2820 of 2024

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

+1 CC to M/s.NA.MANI MARAN, Advocate (SR-2312[I] dated 23/02/2024)

ORDER
IN
CRL OP(MD) No.2820 of 2024
Date :23/02/2024

SA/SAR. /23.02.2024/5P/6C

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