



CRL OP(MD) No.2909 of 2024

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

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2909 of 2024

CHINNASAMY

... PETITIONER / ACCUSED 3

Vs

THE INSPECTOR OF POLICE
ANDIPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.19/2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK Advocate

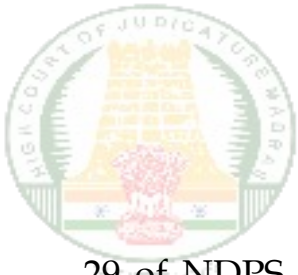
For Respondent : Mr.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:- PLEASED TO RELEASE THE PETITIONER ON BAIL IN CONNECTION WITH THE FIR IN CRIME No.19 OF 2023 ON THE FILE OF THE RESPONDENT POLICE, WHICH IS PENDING IN CC.No.989 of 2023 ON THE FILE OF THE LEARNED DISTRICT AND SESSIONS COURT FOR EC AND NDPS ACT CASES, MADURAI.

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 16.01.2023 for the alleged offence under Sections 8(c), 20(b)(ii)(C), 25 and



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29 of NDPS Act, 1985, in Crime No.19 of 2023 on the file of the respondent Police, which is pending in C.C.No.989 of 2023 on the file of the learned District and Sessions Judge for EC and NDPS Act Cases, Madurai, seeks bail.

2. The case of the prosecution is that the petitioner and the other accused persons were found in possession of 1200 kgs of Ganja and the respondent Police seized the contraband. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 16.01.2023. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the quantity involved in this case is commercial in nature and the respondent Police recovered the contraband from the petitioner and the other accused persons. He would further submit that as per Section 37 of the NDPS Act, 1985, he is not entitled for bail and apart from this case, eight previous cases are pending against the petitioner. Hence, he strongly objected for grant of bail to the petitioner herein.

5. Considering the facts and circumstances of the case and the previous antecedent of the petitioner and also considering the fact that the contraband is



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recovered from the petitioner and the other accused persons and that the quantity involved in this case is commercial in nature, this Court is not inclined to grant bail to the petitioner herein. 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).

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

sd/-
28/02/2024

/ TRUE COPY /

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

SSB
TO
1 THE DISTRICT AND SESSIONS JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
ANDIPATTI POLICE STATION,
THENI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.2909 of 2024
Date :28/02/2024

SA/VR/SAR. /14.03.2024/4P/5C

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