



CRL OP(MD) No.2919 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.2919 of 2024

CHINNASAMY

... PETITIONER / ACCUSED 3

Vs

THE INSPECTOR OF POLICE
NIB-CID POLICE STATION,
TRICHY.

CR.NO.17/2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SIVAPRAKASH, Advocate

For Respondent : Mr.B.NAMBISELVAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR BAIL IN CRIME NO.17/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 06.12.2023, for the alleged offence under Sections 8(c) r/w 20(b)(ii)(C), and 25 of NDPS Act, 1985, in Crime No.17 of 2023, seeks bail.



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2. The case of the prosecution is that the petitioner and the other accused persons were found in illegal possession of 22 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 06.12.2023. Hence, he prays for grant of bail to the petitioner.

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. Hence, he strongly objected for grant of bail to the petitioner herein.

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



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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).

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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 INSPECTOR OF POLICE
NIB-CID POLICE STATION,
TRICHY.

2 THE SUPERINTENDENT,
TRICHY CENTRAL JAIL, MADURAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2919 of 2024
Date :28/02/2024

SA/GS/SAR. /12.03.2024/3P/4C

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