



CRL OP(MD) No.3121 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.3121 of 2024

S.VIJAYARAJA

... PETITIONER / ACCUSED 3

Vs

THE INSPECTOR OF POLICE  
BATLAGUNDU POLICE STATION,  
DINDIGUL DISTRICT.  
CRIME NO.142 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MANIMARAN NA. Advocate

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

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

PRAYER:- TO RELEASE THE PETITIONER/ACCUSED 3 ON BAIL IN  
CC.NO.1058 OF 2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.3, who is facing trial for the offence punishable  
under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29 of NDPS Act in C.C.No.1058 of 2023 on  
the file of the learned Principal Special Judge for NDPS Act Cases, Madurai, in Crime



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No.142 of 2023, seeks bail.

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2. The case of the prosecution is that the petitioner was found in possession of 22Kgs 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 28.03.2023. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that no previous case is pending against the petitioner and the petitioner is arrayed as Accused No.3 in this case. He would further submit that the quantity involved in this case is commercial in nature. He would further submit that the petitioner is available at the scene of occurrence and the respondent Police recovered the contraband from the petitioner. 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. It appears that this is the second application for bail and the earlier bail application filed by the petitioner in Crl.OP(MD)No.23470 of 2023 was dismissed by this Court on 02.01.2024 on the ground that the quantity involved in this case is



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commercial in nature 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.

6.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 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).

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

sd/-  
28/02/2024

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12/04/2024  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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



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2 THE OFFICER INCHARGE,  
DISTRICT JAIL, DINDUGAL.

3 THE INSPECTOR OF POLICE  
BATLAGUNDU POLICE STATION,  
DINDIGUL DISTRICT.

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

ORDER  
IN  
CRL OP(MD) No.3121 of 2024  
Date :28/02/2024

SA/GS/SAR. /15.04.2024/4P/5C

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