



CRL OP(MD) No.3072 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3072 of 2024

AJITH @ AJITHKUMAR

... PETITIONER / 2<sup>nd</sup> ACCUSED

Vs

THE INSPECTOR OF POLICE  
THONDI POLICE STATION,  
RAMANATHAPURAM DISTRICT.  
CRIME NO.272 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.VENKATESH Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.272 OF 2023 ON THE FILE  
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the  
respondent Police for the alleged offence under Sections 8(c), 20(b)(ii)(C) and 25 of

NDPS Act, in Crime No.272 of 2023, seeks anticipatory bail.

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



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2. The case of the prosecution is that on 26.11.2023, the defacto complainant, who is the Village Administrative Officer of M.R.Pattinam Group Village, along with the Assistant went to M.R.Pattinam for Voter ID correction work and found one Bolero Pickup vehicle standing in a suspicious manner and informed to the Police. On search, the respondent Police found 3 gunny bags (each contain 35 kgs of Ganja). 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 based on the confession statement, he was falsely implicated in this case. Hence, he prays for grant of anticipatory 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 contraband was recovered from the accused No.1 and the vehicle involved in the occurrence belongs to the petitioner/A2. He would further submit that as per Section 37 of the NDPS Act, 1985, he is not entitled for anticipatory bail. Hence, he strongly objected for grant of anticipatory bail to the petitioner herein.

5. Considering the facts and circumstances of the case and also considering the fact that the vehicle involved in the occurrence belongs to the petitioner/A2 and that



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the quantity involved in this case is commercial in nature, this Court is not inclined to grant anticipatory 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/-  
20/03/2024

/ 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  
THONDI POLICE STATION,  
RAMANATHAPURAM DISTRICT.

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

COPY TO:  
THE SPECIAL JUDGE FOR EC AND NDPS ACT CASES,  
PUDUKKOTTAI.

+1 CC to M/s.D.VENKATESH, Advocate ( SR-3528[I] dated 21/03/2024 )



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ORDER  
IN  
CRL OP(MD) No.3072 of 2024  
Date :20/03/2024

SA/VR/SAR. /28.03.2024/4P/5C

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