



CRL OP(MD) No.3228 of 2024

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

Thursday, the Twenty Ninth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3228 of 2024

SATHISH KUMAR

... PETITIONER/ACCUSED-2

Vs

THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.625 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.JANANI, Advocate
for M/S.J.NANDAGOPAL Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER : FOR BAIL IN CRIME NO.625 OF 2022 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ A2, who was arrested and remanded to judicial custody for the offences punishable under Sections 8(c), 20(b)(ii)(c), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.625 of 2022, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that based on the secret information, the respondent police intercepted the petitioner's vehicle and seized 220kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and no previous case is pending against him and the petitioner is only acted as a driver and he did not know the contraband was available in his vehicle. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the seized quantity is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he prayed for dismissal of this petition.

5.Considering the above facts and circumstances of the case and also considering the fact that the seized contraband involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

6.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



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379).

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

sd/-

29/02/2024

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/03/2024

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

SJI

TO

1 THE ADDITIONAL DISTRICT JUDGE/PRESIDING OFFICER,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE, DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.J.SATHIYA RAJ, Advocate (SR-2607[I] dated 01/03/2024)

ORDER IN
CRL OP(MD) No.3228 of 2024
Date :29/02/2024

RS/GS/SAR-(05.03.2024) 3P 6C
Madurai Bench of Madras High Court is issuing
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