



CRL OP(MD) No.3246 of 2024

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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3246 of 2024

KANTHAN @ KANTHASAMI ... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION,
KARUR DISTRICT.
CRIME NO.597 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.ABDUL RAHUMAN.S Advocate

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

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

Prayer:

To enlarged the Petitioner / Accused No.1 on bail in Cc.No.89 of 2023 on the file of the Special Court for EC and NDPS Act Cases,Pudukottai in Cr.No.597 of 2022 on the file of the Respondent and to pass such further or other orders.

ORDER : The Court Made the following order :-

The petitioner/A1, who is facing trial for the offences punishable under



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Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act @ 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act, in C.C.No.89 of 2023 on the file of the Special Court for E.C. and NDPS Act Cases, Pudukottai in Crime No.597 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.08.2022 at about 05.30 hours, based on the secret information, the respondent police conducted vehicle check up at Mochakottampalayam Bus stop in Karur, at that time, two persons came in a vehicle bearing Registration No.TN 49 AR 3276. On seeing the police, the accused persons turned the vehicle and tried to escape from the scene of occurrence. But, the respondent police surrounded them and on search, the respondent police found a polythene bag, under the two wheeler seat, which contains 1.100kgs of Ganja. After completing the procedure contemplated under the NDPS Act, the respondent police arrested the accused persons along with contraband and seized the vehicle. Subsequently, on the basis of confession statement, the respondent Police seized 20 kg ganja from the other accused persons including the petitioner. Hence, the case

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution and the



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entire contraband was found in possession of A3 and A4 and he is in judicial custody from 04.09.2022. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the seized quantity involved in this case is a commercial quantity and apart from this case, the petitioner has 3 previous cases of similar in nature. Thereby, the petitioner has not satisfied the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the previous antecedents of the petitioner and also considering the fact that the petitioner has not satisfied the twin conditions as contemplated 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 379).



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7. In view of the above, this Criminal Original Petition is dismissed.

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sd/-
01/03/2024

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

SJI

TO

1. THE SPECIAL JUDGE FOR EC AND NDPS ACT CASES, PUDUKOTTAI

2. THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION, KARUR DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

ORDER IN
CRL OP(MD) No.3246 of 2024
Date :01/03/2024

RK/VR (06/03/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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