



CRL OP(MD) No.3292 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

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1 HAJIBUDEEN

2 MOHAMED SAIBU

... PETITIONERS/ACCUSED NO.3 & 5

Vs

THE INSPECTOR OF POLICE
NAGORE POLICE STATION,
NAGAPATTINAM DISTRICT.
CRIME NO.70 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioners : MR.N.ANANDA KUMAR, Advocate

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

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

PRAYER :

TO ENLARGE THE PETITIONER ON BAIL IN CC.NO.101 OF 2023 ON THE
FILE OF LEARNED ADDITIONAL DISTRICT AND SESSIONS JUDGE /
PRESIDING OFFICER, SPECIAL COURT UNDER ESSENTIAL COMMODITIES
ACT, THANJAVUR.

ORDER : The Court Made the following order :-

The petitioners/A3 and A5, who are facing trial for the offences punishable
under Sections 8(c) r/w 20(b), (ii)(C) and 29(1) of NDPS Act, 1985, in C.C.No.101 of

2023 on the file of the learned Additional District and Sessions Judge/Presiding
<https://www.mhc.tn.gov.in/judis>



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Officer, Special Court under Essential Commodities Act, Thanjavur, in Crime No.70

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of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that based on the secret information, the respondent police conducted search in Nagoor Yaanai Katti Mudukku Santhu, Nagapattinam and during that time, the petitioners and other accused were found in joint possession of 21.1kgs of Ganja. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and though the petitioners were available at the scene of occurrence, all the allegations were made against A1 and A2 and no allegation was made against the petitioners. He would further submit that the petitioner is in incarceration for more than one year and the trial Court also imposed a fine against the prosecution for not concluding the trial. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the petitioners were found in joint possession of 21.1kgs of Ganja, which is a commercial quantity and the petitioner has not satisfied the twin condition as contemplated under Section 37 of the NDPS Act. He would further submit that the trial will also conclude and all the witnesses will be produced before the trial Court within in six months.

5.Considering the previous antecedents of the petitioner and also considering



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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).

7.In view of the above, this Criminal Original Petition is dismissed with a direction to the learned Additional District and Sessions Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur, is directed to conclude the trial in C.C.No.101 of 2023 and dispose of the case within a period of six months from the date of receipt of a copy of this order.

sd/-
01/03/2024

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/03/2024

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

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TO

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1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE /
PRESIDING OFFICER,
SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT,
THANJAVUR.

2 THE INSPECTOR OF POLICE, NAGORE POLICE STATION,
NAGAPATTINAM 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.3292 of 2024
Date :01/03/2024

RS/VR/SAR-(08.03.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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