



CRL OP(MD) No.3323 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.3323 of 2024

DHARMA @ DHARMENDRAN

... PETITIONER / ACCUSED nO.3

Vs

THE INSPECTOR OF POLICE
NIBCID,
THOOTHUKUDI DISTRICT.
CRIME NO.14 OF 2022.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.GANAPATHI SUBRAMANIAN Advocate

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

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

PRAYER:

TO ENLARGE THE PETITIONER/ACCUSED ON BAIL IN CC.NO.987 OF 2023 BEFORE THE LEARNED PRINCIPAL SPECIAL COURT FOR TRIAL NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT,MADURAI IN CR.NO.14 OF 2022 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c), 25 and 29(i) of NDPS Act, 1985 in C.C.No.987 of 2023 on



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the file of the Principal Special Court for Trial Narcotic Drugs and Psychotropic Substances Act, Madurai, in Crime No.14 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the information received, the respondent police conducted an inspection at Thoothukudi to Madurai Main Road near Pudhur Pandiyapuram Check, Bharath Petrolyam, at that time, Eicher vehicle bearing Registration No.TN 84 M 4213 was coming and the same was stopped by the respondent police and search the vehicle. Thereafter, it was found that 8 white color gunny bags each 20kg of Ganja and one white color gunny bag 20kg of Ganja, totally 437kg of Ganja in the bag and the same was seized from A1 and based upon his confession statement, the petitioner and other accused were implicated in this case. Hence, the complaint.

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 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 2 previous cases. Thereby, the petitioner has not satisfied the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, he strongly



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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).

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

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.

SJI



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TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR TRIAL NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT, MADURAI
- 2 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
NIBCID,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.3323 of 2024

Date :01/03/2024

PKP/VR/SAR /07.03.2024/ 4P/ 5C

Madurai Bench of Madras High Court is issuing certified
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