



CRL OP(MD) No.3374 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3374 of 2024

S.BALAKRISHNAN @ BALA

... PETITIONER / ACCUSED 10

Vs

THE INSPECTOR OF POLICE
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.19 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAJA.A., 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.262 OF 2023 IN CR.NO.19 OF 2023 PENDING ON THE FILE OF SPECIAL COURT FOR NDPS ACT CASES, PUDUKKOTTAI.

ORDER : The Court Made the following order :-

The petitioner / A10, who was arrested and remanded to judicial custody on 23.02.2023 for the offence punishable under Sections 8(c), 20(b)(ii)(C), 25, 27A and 29



CRL OP(MD) No.3374 of 2024

(1) of the NDPS Act, 1985, on the file of the respondent Police, seeks bail.

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused persons have illegally transported 26 Kgs of contraband (Ganja). Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that no contraband was recovered from the petitioner. Hence, he prays for bail.

4. Per contra, the learned Additional Public Prosecutor strongly objected this petition for grant of bail by stating that the petitioner is having one previous case, which is similar in nature.

5. It is seen that the contraband recovered from the accused persons is a commercial quantity and moreover, the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act.

6. In view of the above, this Court is not inclined to grant bail to the petitioner. 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 the 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



CRL OP(MD) No.3374 of 2024

((2016) 3 SCC 379).

WEB COPY

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

sd/-

21/03/2024

/ TRUE COPY /

/03/2024

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

TSG

TO

1 THE JUDGE,
SPECIAL COURT FOR NDPS ACT CASES, PUDUKKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3374 of 2024

Date :21/03/2024

SA/JGB/SAR. /26.03.2024/3P/5C

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