



CRL OP(MD) No.3532 of 2024

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

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3532 of 2024

HARIMURUGAN

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
NIBCID SIVAGANGAI POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO. 1 OF 2023

... 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:

FOR BAIL IN CRIME NO. 1 OF 2023 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who is facing trial for the offences punishable under
Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(1) of NDPS Act and Sections 468, 471 and
420 IPC in C.C.No.178 of 2023 on the file of the Principal Special Court for EC and



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NDPS Act Cases, Pudukottai in Crime No.1 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 196 Kgs of Ganja. Hence the case.

3. The learned Additional Public Prosecutor appearing for the respondent Police would submit that one previous case is pending against the petitioner and the said case is also similar in nature.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police and perused the material records of the case.

5. It appears that this is the second application for bail and the earlier bail application filed by the petitioner in Crl.OP(MD)No.10678 of 2023 was dismissed by this Court on 30.06.2023 on the ground that the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Now, this application is filed by the petitioner without referring the change of circumstances to consider the case.



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6. Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, since the dismissal of the earlier petition, 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* ((2016) 3 SCC 379).

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

sd/-

11/03/2024

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/03/2024

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

TSG

TO

1 THE INSPECTOR OF POLICE

NIBCID SIVAGANGAI POLICE STATION, SIVAGANGAI DISTRICT.



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2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER
IN
CRL OP(MD) No.3532 of 2024
Date :11/03/2024

SS/JGB/SAR- /15/03/2024/4P/4C

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