



CRL OP(MD) No.3483 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.3483 of 2024

ABUBACKER SIDDIQUE

... Petitioner / Accused No.5

Vs

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

... Respondent / Complainant

For Petitioner : M/s.A.Banumathy, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor,

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

PRAYER : FOR BAIL IN CRIME NO. 19 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

he petitioner/ A5, who is facing trial for the offences punishable under Sections
8(c), 20(b)(ii)(C), 25, 27A and 29(1) of NDPS Act, 1985, in C.C.No.262 of 2023 on the
file of the learned Principal District Court, Pudukkottai, in Crime No.19 of 2023, on
the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.02.2023, the defacto complainant



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and the other Police Officials attached with the respondent Police got a secret information in respect of selling ganja near Nethiya Iruppu and the officials visited the occurrence place. At that time, Maruti Swift Car was found in a suspicious manner and after seeing the Police party, the accused persons tried to escape from the car, but the respondent Police secured six accused persons and recovered 26.235 kgm of Ganja. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, A7 and A9 were released on bail by this Court vide orders dated 27.02.2024 and 16.02.2024. Further, the petitioner is in judicial custody since 17.02.2023 and hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner and other accused were found in possession of 26.235 kgs of Ganja illegally. He would further submit that the the quantity of contraband involved in this case is a commercial quantity and one previous case is pending against the petitioner and he has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Further, the A7 and A9 were released on bail by this Court on the ground that there is no previous case pending against the petitioner and there is no seizure from A7 and A9. Hence, he strongly opposed to grant bail to



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the petitioner.

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5. Heard the learned counsel on either side and perused the material records of the case.

6. Considering the facts that the quantity of contraband involved in this case is a commercial quantity and the petitioner is having one previous case and also considering the fact that the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. Hence, 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 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).

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
05/03/2024

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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 Principal District Judge,
Pudukkottai.

2.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

3.The Superintendent,
Central Jail, Tiruchirappalli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.BANUMATHY, Advocate (SR-2799[I] dated 06/03/2024)

ORDER

IN

CRL OP(MD) No.3483 of 2024

Date :05/03/2024

ED/ JGB /SAR- (21/03/2024) 4P / 6C

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