



CRL OP(MD). No.3684 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Ashokkumar

... Petitioner/ Accused No.9

Vs

The Inspector of Police,
Padalur Police Station,
Perambalur District.
In Crime No.229 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.G.Karuppasamy Pandian, Advocate
for Mr.M.Murugesan, Advocate

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

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

PRAYER :-

For Bail in Crime No.229 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, who was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 of NDPS Act, in Crime No.229 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 11.07.2023 at about 3.00 a.m., based on the secret information received, the respondent Police went near Dhanalakshmi Petrol Bunk, Chettikulam. At that time, the petitioner and other accused persons were found in illegal joint possession of 20.770 Kgs of Ganja and the same was seized by the respondent Police. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. Even as per the prosecution case, there was nine accused in the scene of occurrence. From them, the total quantity of contraband recovered is 20.770 Kgs from eight pockets, each containing 2kgs approximately and from this petitioner, only 2kgs of Ganja was recovered, hence, the twin conditions required under Section 37 of NPDS Act is not applicable in respect of the petitioner. Further, apart from this case, no previous case



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is pending against the petitioner. All those contraband were seized only from A1 to A8 and this petitioner is A9. An earlier bail petition filed by the petitioner was dismissed by the concerned Court, vide order dated 01.03.2024, on the ground that the seized contraband is a commercial quantity. He would further submit that the petitioner is in judicial custody for more than 220 days. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused persons were found in joint possession of 20.770 kgs of Ganja. Though no previous case is pending against the petitioner, the contraband seized from the petitioner and other accused persons is commercial quantity. In respect of A4, this Court dismissed the bail application filed by him and the trial Court granted bail to the A8 only on the ground that he is having some kidney problem. Hence, he vehemently opposed to grant of bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case and also considering the



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period of incarceration suffered by the petitioner, no previous case is pending against the petitioner and though the contraband recovered from nine persons including this petitioner is the commercial quantity, but in individual, 2kgs of Ganja was recovered from each of the accused and it is the lower quantity and further, the A8 was released on bail by the concerned trial Court, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for E.C., and NDPS Act Cases, Pudukkottai, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the concerned trial Court on each and every hearing date;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial

Court is entitled to take appropriate action against the petitioner in accordance with

law as if the conditions have been imposed and the petitioner released on bail by the

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-

14/03/2024

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14/03/2024

Sub-Assistant Registrar (CS- IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

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TO

1.THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/PRESIDING OFFICER,
SPECIAL COURT FOR E.C., AND NDPS ACT CASES, PUDUKKOTTAI.

2.THE INSPECTOR OF POLICE,
PADALUR POLICE STATION,
PERAMBALUR DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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

+1 CC to M/s.M.MURUGESAN, Advocate (SR-3206[I] dated 14/03/2024)

ORDER
IN
CRL OP(MD) No.3684 of 2024
Date :14/03/2024

RK (14/03/2024) 6P / 6C

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