



CRL OP(MD) No.3834 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.3834 of 2024

A.AJITHKUMAR

... PETITIONER / ACCUSED No.5

Vs

THE INSPECTOR OF POLICE  
NIB CID,  
TRICHY  
CRIME NO. 17 OF 2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MANIMARAN NA Advocate

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

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

PRAYER:

FOR BAIL IN CRIME NO.17 OF 2023 ON THE FILE OF THE RESPONDENT  
POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.5, who was arrested and remanded to  
judicial custody on 27.12.2023 for the alleged offence punishable under Sections 8(c)  
r/w 20(b)(ii)(C) of the NDPS Act, 1985 in Crime No.17 of 2023, on the file of the  
respondent Police, seeks bail.



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2. The case of the prosecution is that based on the secret information, the respondent Police seized 20.780 Kgs of Ganja from the Accused. Hence, the complaint.

3. The learned counsel 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 the petitioner is in judicial custody from 27.12.2023. He would further submit that the petitioner is arrayed as Accused No.5 and the entire contraband is recovered from Accused Nos.1 and 2 and based on the confession statement of the co-accused, the petitioner has been arrested after 21 days of the said alleged occurrence. He would further submit that the petitioner was convicted in C.C.No.367 of 2023 and found guilty and he has paid the entire fine amount and 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 a habitual offender and there are 21 previous cases pending against the petitioner and he would further submit that the contraband recovered from the petitioner is a commercial quantity. He would further submit that the call details and money transaction between the accused were placed before this Court and hence, he vehemently opposed for grant of bail to the petitioner.



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5. It is seen that the contraband recovered from the accused persons is a commercial quantity and the petitioner is having 21 previous cases pending against him 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* ((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



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TO செய்து உரை

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- 1 THE INSPECTOR OF POLICE  
NIB CID, TRICHY
- 2 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN

CRL OP(MD) No.3834 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