



CRL OP(MD) No.4159 of 2024

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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.4159 of 2024

CHINNASAMY

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE
NIB-CID POLICE STATION,
TRICHY.

CR.NO.17/2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SIVAPRAKASH Advocate

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

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

PRAYER:- FOR BAIL IN CRIME NO.17/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 06.12.2023 for the offences
punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of NDPS Act, 1985, in Crime

No.17 of 2023 on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2. The case of the prosecution is that the petitioner is alleged to have found in possession of 20 kgs 780 gms of Ganja.

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

4. It appears that this is the second application for bail and the earlier bail application filed by the petitioner in CrI.OP(MD)No.2919 of 2024 was dismissed by this Court on 28.02.2024 on the ground that the quantity of contraband is a commercial quantity; the contraband was seized from the petitioner and the other accused persons; 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.

5. 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.

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



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((2016) 3 SCC 379).

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

sd/-
21/03/2024

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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
NIB-CID POLICE STATION,
TRICHY.

2 THE SUPERINTENDENT,
TRICHY CENTRAL JAIL, MADURAI DISTRICT.

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

COPY TO:

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

ORDER
IN
CRL OP(MD) No.4159 of 2024
Date :21/03/2024

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

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