



CRL OP(MD) No.3792 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.3792 of 2024

SENTHILKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR.
CRIME NO.76 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioner :MR. V.SUKUMAR Advocate

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

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

PRAYER: FOR BAIL IN CRIME NO.76 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who was arrested and remanded to judicial
custody on 20.02.2024 for the alleged offence punishable under Sections 8(c),



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20(b)(ii)(A) and 22(c) of the NDPS Act, 1985 in Crime No.76 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner has illegally transported 530 grams of Diazepam. 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 20.02.2024 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 contraband recovered from the petitioner is a commercial quantity and hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that the contraband recovered from the accused persons is a commercial quantity and moreover, the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act.



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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 (CS -I / II/ III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1.THE ADDITIONAL DISTRICT JUDGE/PRESIDING OFFICER,
SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT, THANJAVUR.
- 2.THE ADDITIONAL DISTRICT JUDGE(NDPS & EC) THANJAVUR.
- 3.THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR.



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4.THE OFFICER IN CHARGE,
SUB JAIL, THANJAVUR.

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

+1 CC to M/s.V.SUKUMAR, Advocate (SR-3156[I] dated 13/03/2024)

ORDER
IN
CRL OP(MD) No.3792 of 2024
Date :11/03/2024

RK/VR (15/03/2024) 4P / 7C

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