



CRL OP(MD). No.3828 of 2024

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

Date : 11/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Satheesh Kumar

... Petitioner/ Accused

Vs

The Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No. 87/2023.)

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu, 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. 87 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 14.05.2023 for the offence punishable under Sections 8(c) r/w



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20(b)(ii)(C), 25 and 29 (1) of the Narcotics Drugs Psychotropic Substances Act, 1985
in Crime No.87 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that based on the secret information on 05.05.2023, the respondent Police intercepted the other accused persons and seized 21 Kgs of Ganja from the co-accused persons and based on the confession statement of Accused Nos.1 to 3, after ten days of the said occurrence, the respondent Police seized two kgs of Ganja from the petitioner herein. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. He would further submit that based on the confession statement of other other accused persons, 2 kgs of contraband were recovered from the petitioner, which is a considerable quantity. He would further submit that the petitioner is in judicial custody from 14.05.2023. He would further submit that already one previous case was registered against the petitioner and the case was ended in acquittal and accordingly, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 21 kgs of Ganja were recovered from the other accused persons and only, based on the confession statement of the co-accused, two kgs of



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Ganja were recovered from the petitioner. He would further submit that though the ganja has been recovered from the petitioner is only after ten days of the said alleged occurrence that does not mean the petitioner is not in possession of a commercial quantity. The call details between the petitioner and other accused persons and the transfer statement of amount were produced before this Court. He would further submit that total quantity of Ganja involved in this case is a commercial quantity.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the fact that the quantity of contraband recovered from the petitioner is a smaller quantity and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner herein, subject to the following conditions:

7. Accordingly, 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 Principal Special Court for NDPS Act Cases, Madurai 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



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their Aadhar card or Bank pass Book to ensure their identity;

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(b) the petitioner is directed to appear before the respondent police daily i.e., at 10.30 A.M., until further orders;

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

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

(e) 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).

(f) 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;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/03/2024

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11/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

- 1.The Additional District Judge,
Principal Special Court for NDPS Act Cases,
Madurai.
 - 2.The Inspector of Police,
Elumalai Police Station,
Madurai District.
 - 3.The Superintendent,
Central Prison, Madurai.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.PITCHAI MUTHU, Advocate (SR-3024[I] dated 11/03/2024)

ORDER
IN
CRL OP(MD) No.3828 of 2024
Date :11/03/2024



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ED/ /SAR- (11/03/2024) 6P / 6C

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