



CRL OP(MD). No.3865 of 2024

WEB COPY 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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Ajay

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
Crime No. 57/2024.

... Complainant/ Respondent

For Petitioner : Mr.B.Arun,
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. 57 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to



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judicial custody on 17.02.2024 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B), 29 (1) of the Narcotics Drugs Psychotropic Substances Act, 1985, in Crime No.57 of 2024, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent Police intercepted the petitioner and other accused persons and seized 1.900 Kgs of Ganja from them. 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 the quantity of contraband recovered from the accused is a considerable quantity. He would further submit that the petitioner is in judicial custody for more than one month and accordingly, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 1.900 Kgs of Ganja was recovered from the accused. He would further submit that the quantity of Ganja involved in this case is not a commercial quantity.



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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, 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 Judge for Essential Commodities and 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 their Aadhar card or Bank pass Book to ensure their identity;

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



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(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

/ TRUE COPY /

11/03/2024

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

TSG

TO

- 1 THE PRINCIPAL SPECIAL JUDGE
FOR ESSENTIAL COMMODITIES AND NDPS ACT CASES,
MADURAI.
- 2 THE OFFICER INCHARGE,
SUB JAIL, USILAMPATTI.
- 3 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.ARUN, Advocate (SR-3033[I] dated 11/03/2024)

ORDER

IN

CRL OP(MD) No.3865 of 2024

Date :11/03/2024

SS/SAR- /11/03/2024/5P/6C

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