



CRL OP(MD) No.4092 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Fifteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4092 of 2024

SURESH

... PETITIONER / 1st ACCUSED

Vs

THE INSPECTOR OF POLICE
NIB CID, THENI,
THENI DISTRICT.
CRIME NO.41/2021.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUNIYANDI, Advocate

For Respondent : Mr.B.NAMBISELVAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.41/2021 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of
the respondent police for the alleged offence punishable under Sections 8(c) r/w
20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime
No.41 of 2021 on the file of the respondent Police, seeks anticipatory bail.



CRL OP(MD) No.4092 of 2024

WEB COPY

2. The case of the prosecution is that the petitioner along with other accused persons were found in illegal possession of 3 kgs of Ganja and thereafter, the respondent Police seized the ganja from the accused persons. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. Hence, he prayed for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally 3 kgs of Ganja were recovered from the accused persons.

5. Considering the facts and circumstances of the case and also considering the fact that the seized contraband is not a commercial quantity, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the



CRL OP(MD) No.4092 of 2024

WEB COPY

learned Principal Special Court for NDPS Act Cases Madurai, on condition that the petitioner shall execute 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 respondent police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 A.M. until further orders;

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

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

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail



CRL OP(MD) No.4092 of 2024

by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

WEB COPY

Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*;

(g) 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)* and;

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

sd/-

15/03/2024

/ TRUE COPY /

/03/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

TSG

TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE
NIB CID, THENI,
THENI DISTRICT.



CRL OP(MD) No.4092 of 2024

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3238[I] dated 15/03/2024)

ORDER
IN
CRL OP(MD) No.4092 of 2024
Date :15/03/2024

SS/GS/SAR- /21/03/2024/5P/5C

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