



CRL OP(MD). No.4064 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4064 of 2024

Rajadurai,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District .
Crime No.355/2023.

... Respondent/ Complainant

For Petitioner : Ms.P.Krishnaveni, 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.355/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused No.2, who was arrested and remanded to judicial custody on 26.10.2023 for the offence punishable under Sections 8(c) r/w Section 20

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(b) (ii) (B), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act and Section 116 IPC altered into Sections 8(c) r/w 20(b)(ii)(C), 25, 29(1) of the NDPS Act in Crime No.355 of 2023, seeks bail.

2. The case of the prosecution is that on 26.10.2023, when the respondent Police conducted routine vehicle checkup, at that time, the accused persons tried to escape from the scene of occurrence in their vehicle. But, the Police caught Accused Nos.1, 2, 3, 5 and 7 arrested and recorded 6 Kgs of Ganja from them. Thereafter, based on the confession statement of A1, the respondent Police after the period of fifteen days proceeded with A11 and recovered 42 kgs of Ganja from him. Hence, the case.

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. She would further submit that admittedly 6 kgs of contraband was recovered from the accused persons and based on the confession statement of A1, 42 kgs of ganja was recovered only from A11. She would further submit that already A5 has been granted bail by this Court and hence, she prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner is having four previous cases, which are not similar in nature and accordingly, he prays for dismissal of this petition.



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5. Considering the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also considering the fact that the twin conditions as contemplated under Section 37 of the NDPS Act is satisfied by the petitioner before this Court and also considering the fact that the ganja involved in this case is not a commercial quantity, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

6. 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 Session Court for Narcotic Drugs and Psychotropic Substances 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 at 10.30 A.M., till the conclusion of the investigation 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;



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(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;

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

sd/-
21/03/2024

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21/03/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE PRINCIPAL SESSIONS JUDGE
FOR NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT CASES, MADURAI.

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- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-3481[I] dated 21/03/2024)

ORDER

IN

CRL OP(MD) No.4064 of 2024

Date :21/03/2024

PKP/21.03.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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