



CRL OP(MD) No.4131 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4131 of 2024

CHANDRAN

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.1033/2022.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.SHYLLAPPAKALYAN, Advocate

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

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

PRAYER:- To release the petitioner on bail in CR No.1033/2022 in CC No.72/2023 pending before the Hon'ble Special Court for Essential Commodities Act, Thanjavur on the file of the respondent police pending before the and thus render justice.

ORDER : The Court made the following order :-

The petitioner/A1, who is facing trial for the offences punishable under Sections 8(C), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985, in C.C.No.72 of 2023 on

the file of the Special Court for Essential Commodities Act, Thanjavur, in Crime

<https://www.mhc.tn.gov.in/judis>



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No.1033 of 2022, on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that the accused persons were found in illegal possession of 128 kgs of Ganja. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offences as alleged by the prosecution and he has been falsely implicated in this case. In fact, the petitioner was not available in the scene of occurrence. On the basis of the confession statement of the co-accused, this petitioner has been implicated. Further, the petitioner is in judicial custody since 12.10.2023 and hence, he prays for grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a owner of the contraband and he deputed A3 to A5 to hand over the said contraband to some other persons through lorry bearing Registration No.TN 52 F 3256. When the said contraband was transferred to another lorry bearing Registration No.TN 58 BW 5308, which was sent by A2, the respondent Police arrested the A3 to A5. Initially, the petitioner was arrayed as A6 in this case. After investigation and on the basis of the confession statement of the co-accused, he was arrayed as A1 as he is the owner of the contraband weighing about 128 kgs. Further he would submit that the the quantity of contraband involved in this case is a commercial quantity and the petitioner involved in two previous cases, out of which,



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one case is ended in acquittal and he has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side and perused the material records of the case.

6. Considering the facts that the quantity of contraband involved in this case is a commercial quantity and the petitioner is having one previous case in similar nature and also considering the fact that the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act, 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 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. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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INDU

TO

1 THE JUDGE,

SPECIAL COURT FOR ESSENTIAL COMMODITIES ACT, THANJAVUR.

2 THE OFFICER INCHARGE,

THEKKAMPATTI SUB JAIL, THENI.

3 THE INSPECTOR OF POLICE

THANJAVUR SOUTH POLICE STATION, THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.SHYLLAPPA KALYAN, Advocate (SR-3548[I] dated 22/03/2024)

ORDER IN

CRL OP(MD) No.4131 of 2024

Date :20/03/2024

SA/GS/SAR. /10.04.2024/4P/6C

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