



CRL OP(MD) No.4601 of 2024

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

Friday, the Twenty Second day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4601 of 2024

GOPINATHAN

... PETITIONER/ACCUSED NO.8

Vs

THE INSPECTOR OF POLICE
KEELAIYUR POLICE STATION,
KEELAIYUR,
NAGAPATTINAM DISTRICT.
CRIME NO. 275/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.ABDUL RAHUMAN, Advocate

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

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

PRAYER : FOR BAIL IN CRIME NO.275 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ A8 who was arrested and remanded to judicial custody for the offences punishable under Sections 8(c) r/w.20(b)(ii)(C), 25 and 29(1) of NDPS Act in Crime No.275 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 08.11.2023 at about 7.00 hours, the

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CRL OP(MD) No.4601 of 2024

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respondent Police on secret information, conducted vehicle checkup at Sevurayar Mchakottampalayam, at that time, they intercepted three two wheelers and two four wheelers, in which, they found 300 kgs of Ganja. Hence, the case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that on the basis of the confession statement of the co-accused, this petitioner has been implicated as an accused and there is no recovery from the petitioner. An earlier bail application filed by the petitioner was dismissed by the concerned Court on 28.02.2024. He would further submit that the petitioner is in judicial custody from 07.11.2023, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that the quantity of Ganja recovered in this case is a commercial quantity and one previous case is pending against the petitioner, which is not in similar nature. An earlier bail application filed by the petitioner was dismissed by this Court, but that was not disclosed in the present petition. Further the quantity of ganja recovered in this case in a commercial quantity and petitioner 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.



CRL OP(MD) No.4601 of 2024

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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 the commercial quantity and the petitioner is having one previous case, which is not 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/-

22/03/2024

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/04/2024

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

INDU

TO

1 THE ADDITIONAL DISTRICT JUDGE / PRESIDING OFFICER,
SPECIAL COURT FOR EC & NDPS ACT CASES, THANJAVUR.



CRL OP(MD) No.4601 of 2024

2 THE INSPECTOR OF POLICE, KEELAIYUR POLICE STATION, KEELAIYUR,
NAGAPATTINAM DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY DISTRICT.

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

ORDER
IN

CRL OP(MD) No.4601 of 2024

Date :22/03/2024

RS/JGB/SAR-(16.04.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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