



CRL OP(MD) No.4478 of 2024

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4478 of 2024

VENKATRAM @ VENKATRAMAN

... PETITIONER / ACCUSED 4

Vs

THE INSPECTOR OF POLICE
NIBCID,
TRICHY DISTRICT.
CR.NO.17/2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.VIKRAM, Advocate

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

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

PRAYER:- FOR BAIL IN CRIME NO. 17/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 06.01.2024 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and 25 of NDPS Act, 1985, in Crime No.17 of 2023 on the file of the respondent police, seeks bail.



CRL OP(MD) No.4478 of 2024

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2. The case of the prosecution is that the petitioner is alleged to have found in possession of 20 kgs 780 gms of Ganja.

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

4. It appears that this is the second application for bail and the earlier bail application filed by the petitioner in Crl.OP(MD)No.2099 of 2024 was dismissed by this Court on 22.02.2024 on the ground that the quantity of contraband is a commercial quantity; though the contraband was seized from the other accused persons, the petitioner is the owner of the vehicle; the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Now, this application is filed by the petitioner without referring the change of circumstances to consider the case.

5. Considering the above facts and circumstances of the case and also considering the fact that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant bail to the petitioner.

6. In view of the above, 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 the NDPS Act and as per the guidelines issued by the Hon'ble



CRL OP(MD) No.4478 of 2024

Supreme Court of India in the case of Union of India Vs. Mohanlal and Another
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((2016) 3 SCC 379).

7. In the result, this Criminal Original Petition is dismissed.

sd/-
21/03/2024

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

TSG
TO
1 THE INSPECTOR OF POLICE
NIBCID,
TRICHY DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER
IN
CRL OP(MD) No.4478 of 2024
Date :21/03/2024

SA/JGB/SAR. /26.03.2024/3P/4C

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