



CRL OP(MD) No.4396 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.4396 of 2024

1 VEERAMURASU

2 VIGNESH

3 VAIRAKUMAR

4 MURUGANANDHAM

5 HARIKRISHNAN

6 GOPINATHAN ... PETITIONERS / ACCUSED A1,A4,A5,A6,A7,A8

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VIMALA.P, Advocate

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

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



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PRAYER:

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

ORDER : The Court Made the following order :-

The petitioners/A1, A4 to A8, who were arrested and remanded to judicial custody on 09.11.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) and 25 of NDPS Act, 1985, in Crime No.275 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 300 kgs of Ganja. Hence, the case

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they did not commit any offence as alleged by the prosecution and they are in judicial custody from 09.11.2023. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the seized quantity involved in this case is a commercial quantity and the petitioners have not satisfied the twin conditions as contemplated under Section 37 of the NDPS Act. Hence, he strongly opposed to grant bail to the petitioners.



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5.Considering the facts and circumstances of the case and also considering the fact that the seized quantity involved in this case is a commercial quantity and the petitioners have not satisfied the twin conditions as contemplated under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioners.

6.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.In view of the above, this Criminal Original Petition is dismissed.

sd/-
20/03/2024

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

SJI



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TO

1 THE ADDITIONAL JUDGE, SPECIAL COURT FOR EC ACT CASES,
THANJAVUR.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.

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

ORDER

IN

CRL OP(MD) No.4396 of 2024

Date :20/03/2024

SS/JGB/SAR- /26/03/2024/4P/5C

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