



CRL OP(MD) No.4430 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.4430 of 2024

JEGADEESAN @ MURUGAN

... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
CR.NO.189/2022

... 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.

PRAYER:

FOR BAIL IN CRIME NO.189/2022 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, who is facing trial for the offences punishable under
Sections 8(C) r/w 20(b)(ii)(c), 25 and 29(i) of NDPS Act, 1985, in C.C.No.309 of 2023
on the file of the learned Additional District and Sessions Judge, Presiding officer



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and Special Court for E.C. Act Cases, Thanjavur, in Crime No.189 of 2022, on the file
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of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.06.2022 at 23.30 hours, the Special Patrol Team of Madurai Commercial Tax Intelligence Division conducted vehicle checkup at Madurai to Trichy by-pass road, at that time, the petitioner and the co-accused were coming in the Ashok Leyland Dosth bearing Reg.No.TN-58-BE-9688. On seeing the officials, the accused persons tried to escape from the place. The officials nabbed the accused and found that the accused to be in joint possession of 810.350kgs of Ganja. The said contraband was seized by the said team and produced before the respondent police and sample has also been taken. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution and he is in judicial custody from 18.07.2022. Hence, he pray for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner has filed the present application by suppressing the earlier bail application in Crl.O.P.(MD)No.8539 of 2024 which was dismissed by this Court on 07.06.2023 and



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the total quantity seized from the petitioner is 810.350 kgs. Hence, he strongly opposed to grant bail to the petitioners.

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 by suppressing the earlier dismissal order, the present application is filed, 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 செய்து உதவ

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- 1 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION, MADURAI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.4430 of 2024

Date :20/03/2024

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

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