



CRL OP(MD) No.4534 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.4534 of 2024

CHINNA UDAIYAN @ SUBRAMANI

... PETITIONER / ACCUSED 3

Vs

THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT
CRIME NO.556/2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VIJAYASETHUPATHY.V Advocate

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

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

PRAYER:- FOR BAIL IN CRIME NO.556/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / A3, who was arrested and remanded to judicial custody from
03.12.2023 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29
(1) of the NDPS Act, 1985 in Crime No.556 of 2023 on the file of the respondent



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Police, seeks bail.

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2. The case of the prosecution is that the petitioner has illegally transported 25 Kgs of Ganja. Hence, the complaint.

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 CrI.OP(MD)No.2610 of 2024 was dismissed by this Court on 20.02.2024 on the ground that the contraband involved in this case is a commercial quantity and moreover, 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



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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

/ TRUE COPY /

/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
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, KANDAMANUR, THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4534 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.