



CRL OP(MD) No.4453 of 2024

WEB COPY

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.4453 of 2024

GOKUL

... PETITIONER / 3rd ACCUSED

Vs

THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 9/2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MUNIYANDI.S Advocate

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

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

PRAYER:- FOR BAIL IN CRIME NO. 9 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on
12.01.2024 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of
the NDPS Act, 1985, on the file of the respondent Police, seeks bail.



CRL OP(MD) No.4453 of 2024

WEB COPY

2. The case of the prosecution is that the petitioner has illegally transported 41 Kgs of Ganja. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the contraband has been recovered from the other accused persons and not from the petitioner herein. He would further submit that the only allegation made against the petitioner is that he sat in the backside of the vehicle which is involved in the crime and hence, he prays for grant of bail.

4. Per contra, the learned Additional Public Prosecutor strongly objected this petition for grant of bail by stating that the petitioner is present in the scene of occurrence. He would further submit that the first accused herein is the brother-in-law of the petitioner herein. He would further submit that all these persons joined together and kept the contraband in the vehicle. He would further submit that the contraband recovered from the petitioner is a commercial quantity.

5. It is seen that the contraband recovered from the accused persons is a commercial quantity and moreover, the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act.

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



CRL OP(MD) No.4453 of 2024

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 Supreme Court of India in the case of Union of India Vs. Mohanlal and Another ((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
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

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

ORDER IN
CRL OP(MD) No.4453 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.