



CRL OP(MD). No.4782 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Saravanan @ Jebaraj

... Petitioner/ Accused Rank Not Known

Vs

State represented by
The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
Crime No.19 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.J.IMRAN KHAN,
Advocate.

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

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

PRAYER :- For Bail in Crime No.19 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused rank not known, who was arrested and remanded to
judicial custody on 18.02.2023 for the offences punishable under Sections 8(C), 20(b)

(ii)(C), 25, 27A, 29(1) of NDPS Act, 1985 in Crime No.19 of 2023, on the file of the



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respondent Police, seeks bail.

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2.The case of the prosecution is that on 17.02.2023, the defacto complainant and the other Police Officials attached with the respondent Police got a secret information in respect of selling ganja near Nethiya Iruppu and the officials visited the occurrence place. At that time, Maruti Swift Car was found in a suspicious manner and after seeing the Police party, the accused persons tried to escape from the car, but the respondent Police secured six accused persons and recovered 26.235 kgm of Ganja. Hence, the present case was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegation as alleged by the prosecution. Based on the confession statement of co-accused, he was falsely implicated in this case. Already bail application filed by the petitioner was dismissed by the concerned Court. The co-accused were enlarged on bail by this Court in Crl.O.P(MD) Nos.3056 and 2462 of 2024, vide order dated 27.02.2024 and 16.02.2024 respectively. The contraband was recovered only from A1 to A6. Further, except this case, no case is pending against the petitioner. The ganja recovered from the accused persons in this case is only 1.90 kgs and it is not a commercial quantity. He would further submit that the petitioner is in judicial custody from 18.02.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent



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would submit that though no previous case is pending against the petitioner, total quantity of contraband recovered from the accused persons in this case is 4 kgs. Further, after completing an investigation, Charge Sheet was filed before the concerned Court. hence, he prays for dismissal of bail application.

5.Heard. Perused the materials available on record.

6.Admittedly, the petitioner is not arrayed as accused in the FIR and the huge quantity of Ganja was seized only from A1 to A6 and based on their confession statement, the petitioner was implicated and the seized quantity from the petitioner is not a commercial quantity. Considering the facts and circumstances of the case and considering the fact that no previous case is pending against the petitioner and the twin conditions required under Section 37 of NPDS Act is not applicable to this case in respect of this petitioner and the co-accused were enlarged on bail by this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC & NDPS Act Case, Pudukottai, and on further conditions that:



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the concerned Court on each and every hearing date without fail;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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).

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
27/03/2024

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/03/2024
Sub-Assistant Registrar
(Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE /
PRESIDING OFFICER, SPECIAL COURT FOR EC & NDP ACT CASES,
PUDUKKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 cc to Mr.J.IMRAN KHAN, Advocate, SR.No.15789 (F) DT.27/03/2024

ORDER
IN
CRL OP(MD) No.4782 of 2024
Date :27/03/2024

SA/SAR. /27.03.2024/5P/6C

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