



CRL OP(MD). No.4536 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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Mathiyalagan

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
Padalur Police Station,
Perambalur District.
(Crime No.229 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.R.Venkateshwar, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

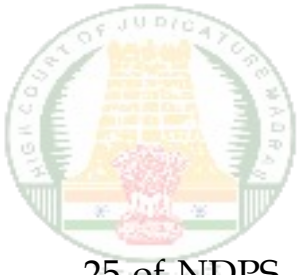
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.229 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 8(C), 20(b)(ii)(C),



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25 of NDPS Act, 1985 in Crime No.229 of 2023, on the file of the respondent Police,
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seeks bail.

2.The case of the prosecution is that after getting secret information, the respondent Police conducted an inspection near Chettikulam, Dhanalakshmi Petrol Bunk, at that time, a bundle was exchanged from a auto to white colour car and on search, the respondent Police found that the accused are having 8 bags weighing about 20.770 kgs of Ganja. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegation as alleged by the prosecution. There is no recovery from this petitioner and as per the seizure mahazar, a VIVO cell phone was recovered from the petitioner. Except that, there is no allegations against the petitioner regarding possession of contraband. He would further submit that the petitioner is in judicial custody from 11.07.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the call details are available between the petitioner and other accused persons and the cell phone was recovered from the petitioner and there is no contraband recovered from this petitioner. The contraband recovered from the accused persons in this case is a commercial quantity. Further, after completing an



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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. Considering the facts and circumstances of the case and considering the fact that the twin conditions required under Section 37 of NPDS Act is not applicable to this case in respect of this petitioner and there is no recovery from this petitioner, 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, Special Court for EC & NDPS Act Case, Pudukottai, and on further conditions that:

(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;



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(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;

(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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27/03/2024
Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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- 1.The Additional District and Sessions Judge,
Special Court for EC and NDPS Act Case,
Pudukottai.
- 2.The Inspector of Police,
Padalur Police Station,
Perambalur District.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.4536 of 2024

Date :27/03/2024

ED/ /SAR- (27/03/2024) 5P / 5C

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