



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). Nos.6059, 6331, 6850, 6962,
7458, 8058, 8213, 8234 and 8280 of 2024

ANANDAKUMAR	... PETITIONER/1ST ACCUSED IN CRL OP(MD). 6059/ 2024
SELVAM	... PETITIONER/ACCUSED No.3 IN CRL OP(MD). 6331/ 2024
T.AMMAVASI	... PETITIONER/ACCUSED No.2 IN CRL OP(MD). 6850/ 2024
S.SARANKUMAR	... PETITIONER/ACCUSED No.2 IN CRL OP(MD). 6962/ 2024
THANGAPANDI	... PETITIONER/ACCUSED No.1 IN CRL OP(MD). 7458/ 2024
PANDIAN	... PETITIONER/ACCUSED No.3 IN CRL OP(MD). 8058/ 2024
SELVENDIRAN	... PETITIONER/ACCUSED No.2 IN CRL OP(MD). 8213/ 2024
VINOTH KUMAR	... PETITIONER/3 rd ACCUSED IN CRL OP(MD). 8234/ 2024



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J.MAYAKRISHNAN

... PETITIONER/ ACCUSED No.6
IN CRL OP(MD). 8280/ 2024

- VS. -

THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 55 OF 2023

... RESPONDENT/COMPLAINANT
IN CRL OP(MD). 6059/ 2024

THE INSPECTOR OF POLICE
USILAMPATTY TOWN POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.62/2024)

... RESPONDENT/COMPLAINANT
IN CRL OP(MD). 6331 & 7458/ 2024

THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.404/2023.

... RESPONDENT/COMPLAINANT
IN CRL OP(MD). 6850/ 2024

THE INSPECTOR OF POLICE
THIRUPPUVANAM P.S.
SIVAGANGAI DISTRICT
CRIME NO.103 OF 2024

... RESPONDENT/COMPLAINANT
IN CRL OP(MD). 6962/ 2024

THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
CR.NO.84 OF 2024

... RESPONDENT/COMPLAINANT
IN CRL OP(MD). 8058 & 8213/ 2024



THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO.103/2023

... RESPONDENT/COMPLAINANT
IN CRL OP(MD). 8234/ 2024

THE INSPECTOR OF POLICE
NIB CID, THANJAVUR.
CRIME NO.6/2023.

... RESPONDENT/COMPLAINANT
IN CRL OP(MD). 8280/ 2024

For Petitioner

: Mr.C.Ramesh, Advocate
in CRL OP(MD)No.6059 of 2024

: Mr.Dinesh, Advocate for
M/s.R.Sangeetha, Advocate
in CRL OP(MD)No.6331 of 2024

: Mr.NA.Manimaran, Advocate
in CRL OP(MD)No.6850 & 6962 of 2024

: Mr.R.C.Paulkanagaraj, Advocate
in CRL OP(MD)No.7458 of 2024

: Mr.A.Karthik, Advocate
in CRL OP(MD)No.8058 of 2024

: Mr.A.Uthayakumar, Advocate
in CRL OP(MD)No.8213 of 2024

: Mr.B.Kumaresan, Advocate
in CRL OP(MD)No.8234 of 2024

: Mr.D.Selvam, Advocate
in CRL OP(MD)No.8280 of 2024

For Respondent :Mr.T.Senthil Kumar
Additional Public Prosecutor
(in All the cases)



COMMON PRAYER:- Petition's filed under Section 439 of the Criminal Procedure Code seeking bail in Crime Nos.55, 103, 6 & 404 of 2023 and 62, 103, 62, 84 of 2024 on the file of the respondent police station.

COMMON ORDER : The Court made the following common order :-

"In a murder case, the accused commits murder of one or two persons, while those persons who are dealing in narcotic drugs are instrumental in causing death or in inflicting death-blow to a number of innocent young victims, who are vulnerable; it causes deleterious effects and a deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and /or dealing in intoxicants clandestinely."

- Observations made by the Hon'ble Supreme Court in ***Union of India v. Ram Samujh and Another*** [(1999) 9 SCC 429].

2.The petitioners, who were arrested and remanded to judicial custody for the offence under the Narcotic Drugs and Psychotropic Substances Act (in short NDPS Act), in the respective Crime Numbers on the file of the respondent police stations, seek bail.

3.Article 47 of the Constitution of India mandates that the State shall



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endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health. This principle of preventing use of drugs, except for medicinal use, was also adopted in the three international conventions on drug related matters, viz., Single Convention on Narcotic Drugs, 1961; Convention on Psychotropic Substances, 1971; and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. India has signed and ratified these three conventions.

4.The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 was framed taking into account of India's obligations under the three UN drug Conventions as well as Article 47 of the Constitution of the India. This Act prohibits, except for medical or scientific purposes, the manufacture, production, trade, use, etc. of narcotic drugs and psychotropic substances, as well as limits the use of narcotics drugs and psychotropic substances for medical and scientific purposes.

5.The NDPS Act views drug offences very seriously and prescribes stiff penalties. The Act follows a graded system of punishment varying with the quantum of punishment being dependent upon whether the offence pertains to small, commercial and intermediate quantities of narcotic drugs and psychotropic



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substances. For offences involving commercial quantities of drugs, a minimum penalty of ten years rigorous imprisonment is prescribed, which may extend to twenty years. Repeat offences attract one and half times the penalty and in a few cases even the death penalty. Therefore, stiff procedures are enumerated in the Act to be followed by the Officers, while carrying out the arrest and seizure.

6.The petitioners before this Court are facing charges that they were in possession of huge quantity of contraband, ie., commercial quantity.

7.The law framers viewed the possession of commercial quantity of contraband very seriously and therefore, Section 37 of the NDPS Act has been introduced. As per the said Section, regular bail is denied to an accused, who are found in possession of commercial quantity of contraband, unless there are reasonable grounds for believing that the accused are not guilty of such offence and that they are not likely to commit any offence while on bail. For ready reference, Section 37 of the NDPS Act is extracted as under:

“37. Offences to be cognizable and non-bailable

(1) Notwithstanding anything contained in the Code of Criminal Procedure,

1973 -



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(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless -

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 or any other law for the time being in force, on granting of bail.”

8.As per the above Section, the following triple conditions are stipulated for grant of bail in case of possession of commercial quantity of contraband:-

1. The Public Prosecutor should be given with an opportunity to oppose the bail application.
2. The Court should be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence.



3. The accused is not likely to commit any offence, while on bail.

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9. The petitioners before this Court, apart from making an argument that they are innocents and they have not committed any offence as alleged by the prosecution, have uniformly raised the following grounds, viz.,

- i) the samples of the seized contraband were not drawn in the presence of the Magistrate as required under Sub-Section 2 of Section 52A of the NDPS Act; and
- ii) the recovery alleged to have been made from the petitioners are lesser quantity and not commercial quantity.

10. Since common grounds have been raised, all these petitions are heard together and are disposed of by way of this common order.

Issue No.1:-

Petitioners' submission:-

11. By referring the provisions under Section 52A of the NDPS Act, learned Counsel for the petitioners submitted that the seized contraband have to reach the concerned Court within a reasonable time. Moreover, the samples from the seized contraband have to be drawn only in the presence of a Magistrate. However, it has not been done in any of these cases.



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12. In this regard, reliance has been made to the decision of the Hon'ble Supreme Court in *Union of India v. Mohanlal and Another* [(2016) 3 SCC 379], wherein, it has been held as follows:-

"16. ... This implies that no sooner the seizure is effected and the contraband forwarded to the officer-in-charge of the police station or the officer empowered, the officer concerned is in law duty-bound to approach the Magistrate for the purposes mentioned above including grant of permission to draw representative samples in his presence, which samples will then be enlisted and the correctness of the list of samples so drawn certified by the Magistrate. In other words, the process of drawing of samples has to be in the presence and under the supervision of the Magistrate and the entire exercise has to be certified by him to be correct."

13. Apart from the above, the petitioners' Counsel have also relied on the following decisions of the Hon'ble Supreme Court:-

- i) *Bothilal v. Intelligence Officer, NCB* [2023 SCC OnLine SC 498];
- ii) *Simarnjit Singh v. State of Punjab* [2023 SCC OnLine SC 906];
- iii) *Mangilal v. State of Madhya Pradesh* [2023 SCC OnLine SC 862]; and
- iv) *Yusuf @ Asif v. State* [2023 SCC OnLine SC 1328].



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Prosecutor's Submission:-

14. On the other hand, learned Additional Public Prosecutor, by referring the provision under Section 52A(2) of the Act, submitted that as per this provision an application has to be made before the Magistrate for

- a) certifying the correctness of the inventory so prepared; **OR**
- b) taking photographs in the presence of the Magistrate; **OR**
- c) allowing to draw representative samples in the presence of the Magistrate.

15. In all these cases, the inventories have been made under Form 95 by the authorized officer under Section 53 of the NDPS Act and were produced before the learned Judicial Magistrate along with the accused and seized contraband, at the time of remand. In turn, the learned Magistrate has forwarded the contraband to the concerned Special Court. The learned Special Judge has, after verification, referred the samples for Forensic Lab. Neither there is any delay in preparing the inventories nor there is any allegation that the seals of the samples were not intact and as such, there is no violation of Section 52A of the Act in these cases.

16. In this regard, he has relied on the decision of the Hon'ble Supreme Court in



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Kallu Khan v. State of Rajasthan [(2021) 19 SCC 197], wherein, the Hon'ble Supreme Court has observed as follows:-

"14. ... It is not a case in which the appellant has proved beyond reasonable doubt that while sending the samples for forensic tests, seals were not intact or the procedure has been materially not followed by protecting the seized substance or was not stored properly, as specified in Union of India v. Mohanlal in which case the directions were given to be followed on the administrative side. However, in the facts of the case, the said judgment is not of any help to the appellant."

17. He has also relied on the following judgments of this Court, in support of this contention:-

- i) ***Assistant Director, Directorate of Revenue Intelligence, Madras v. Narayanaswamy Ravishankar @ Ravishankar [(2003) 1 MLJ (Cri) 242]***;
- ii) ***Mohammed Yasin Khaja Mohideen v. Deputy Commissioner of Customs, Chennai [Crl.A.No.835 of 2018, dated 29.07.2022]***;
- iii) ***Ayoouluwa David Adebakin and Another v. Inspector of Police [2023 SCC OnLine Mad 5296]***;
- iv) ***Mareeswaran and Others v. Inspector of Police [Crl.A.(MD)Nos.492 of 2022, etc., batch, dated 03.10.2023]***.



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18.He further submitted that in all the cases cited by the petitioners, the samples were taken by the officers concerned and were directly forwarded to the lab. The Magistrates were not at all involved. However, in the cases on hand, all the contraband recovered were produced before the Magistrate at the time of remand and on the directions of the Magistrate alone, it was forwarded to the lab. Therefore, the decisions relied on by the petitioners would not be applicable.

19.Moreover, in all these cases, the inventories have been prepared immediately after the seizure and arrest and it was produced before the Magistrate concerned along with the seized contraband. Had there been any delay, it would be fatal to the prosecution, however, it is not the case herein. In this regard, he has relied on the decision of the Hon'ble Supreme Court in *Khet Singh v. Union of India* [(2002) 4 SCC 380], wherein, the Hon'ble Supreme Court has observed as follows:-

"10. ... If there is any inordinate delay in preparing the seizure mahazar, that may give an opportunity to tamper with the contraband article allegedly seized from the accused. There may also be allegations that the article seized was by itself substituted and some other items were panted to falsely implicate the accused. To avoid these suspicious circumstances and to have a fair procedure in respect of search and seizure, it is always desirable to prepare



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custody.

the seizure mahazar at the spot itself from where the contraband articles were taken into

... ..

16. Law on the point is very clear that even if there is any sort of procedural illegality in conducting the search and seizure, the evidence collected thereby will not become inadmissible and the court would consider all the circumstances and find out whether any serious prejudice had been caused to the accused. ...”

20. He further submitted that Section 52A of the Act deals with disposal of the seized contraband and not otherwise. In this regard, he has relied on the decision of the Hon'ble Supreme Court in *State of Punjab v. Makhan Chand* [(2004) 3 SCC 453], wherein, the Hon'ble Supreme Court has observed as follows:-

“10. ... Therefore, Section 52-A(1) does not empower the Central Government to lay down the procedure for search of an accused, but only deals with the disposal of seized narcotic drugs and psychotropic substances.”

Court's view:-

21. The core stand of the petitioners is that there is a violation of Section 52A(2) of the NDPS Act, inasmuch as the samples were not drawn in the presence of the Magistrate.



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22. Section 52A of the Act deals with the disposal of seized contraband and not related to seizure from the scene of occurrence. Sub-Section 2 of Section 52A is extracted as follows:-

“52A. Disposal of seized narcotic drugs and psychotropic substances –

... (2) Where any narcotic drugs, psychotropic substances, controlled substances or conveyances has been seized and forwarded to the officer-in-charge of the nearest police station or to the officer empowered under section 53, the officer referred to in sub-section (1) shall prepare an inventory of such narcotic drugs, psychotropic substances, controlled substances or conveyances containing such details relating to their description, quality, quantity, mode of packing, marks, numbers or such other identifying particulars of the narcotic drugs or psychotropic substances, controlled substances or conveyances or the packing in which they are packed, country of origin and other particulars as the officer referred to in sub-section (1) may consider relevant to the identity of the narcotic drugs, psychotropic substances, controlled substances or conveyances in any proceedings under this Act and make an application, to any Magistrate for the purpose of –

(a) certifying the correctness of the inventory so prepared; or

(b) taking, in the presence of such Magistrate, photographs of such drugs, substances



or conveyances and certifying such photographs as true; or

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(c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate and certifying the correctness of any list of samples so drawn."

23.It is to be noted that Section 52A of the Act was included as an amendment in the year 1989, with the object of providing for pre-trial disposal of seized drugs. As rightly pointed out by the learned Additional Public Prosecutor, three options are provided in Section 52A(2) with OR clause. An application has to be made to the Magistrate either for certifying the correctness of the inventory OR for taking photographs in the presence of Magistrate and certifying such photographs OR for drawing samples in the presence of Magistrate and certifying such samples.

24.In all these cases, the investigation agency, immediately after the arrest and seizure, prepared inventories under Form 95 and produced the same before the Magistrate along with the accused and seized contraband, at the time of remand. Since an application as required under Section 52A(2)(a) of the Act has been made to the Magistrate, this Court, *prima facie*, does not find any violation as regards Section 52A of the Act.



25. In this regard, this Court drew support from the following observations:-

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I. Narayanaswamy Ravishankar's case (supra) -

"22. In regard to non-compliance of Sec.52A, it shall be stated that the said section would not apply to this case, since the properties were not sought to be given pretrial disposal. On the other hand, it is the specific case of the prosecution that PW1 after initial investigation handed it over to PW3, another officer, who is competent to investigate the matter, who, in turn, after effecting arrest of the accused, handed him over and properties to the Court. Therefore, non-compliance of Sec.52A would not arise in this case."

II. Mohammed Yasin Khaja Mohideen's case (supra) -

"26. ... In view of no destruction or disposal, the question of compliance to Section 52A of the Act does not arise. Thus, there is no violation and hence, the 4th question is answered accordingly."

III. Mareeswaran's case (supra) -

"10.6. ... The Hon'ble Supreme Court in Mohanlal's case issued directions to follow the procedure of disposal of the sized contraband by taking the inventory before destruction. The said directions were issued only on considering the submissions of the prosecution that the seized contraband were disposed off without taking the samples and preserving the



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remaining contraband as per the Central Government notification 1/89 on the basis of the specific observation in Paragraph 13 that “except Directorate of Revenue Intelligence, most the States, however claim that no samples are drawn at the time of the seizure. The DRI alone claims that samples are drawn at the time of seizure.” But in the State of Tamilnadu, the officers follow the Standing Order 1/89 of the Central Government taking samples with the proper packing and sealing and packing the remaining contraband also with seal. Thereafter they prepare the inventory under Form 91 and produce the samples as well as the remaining contraband at the time of initial remand before the learned Judicial Magistrate without any delay and the learned Judicial Magistrate also verify the same and direct the prosecution to produce the same before the Special Court. After that, the sample is sent through the Special Court for chemical analysis and the remaining contraband is under the periodical supervision of the Special Court and the same is produced as physical evidence during trial and marked as Material Objects. The said Form 91 is also marked as inventory as contemplated under Section 52A of the NDPS Act. Further the material objects are also identified by the witnesses. Therefore, the Form 91 satisfied the “identity” of the contraband as per the Act. Section 52A of the NDPS Act deals only with the disposal of the seized contraband and it is not related to seizure from the scene of occurrence. When the prosecution has taken a stand that the samples were taken at the spot and the samples along with the remaining contraband were produced before the Court as physical evidence, Section



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52A of the NDPS Act is not applicable. In this case as stated above, sample was taken at the spot and both samples and remaining contraband were produced before the learned Judicial Magistrate at the time of initial remand and the same was produced before the trial Court at the time of trial and same was identified by the witnesses. Therefore, Section 52A of the NDPS Act is not applicable to the facts of the case. Hence, this Court is not inclined to accept the plea of the violation of Section 52A of the NDPS Act."

26.As rightly pointed out by the learned Additional Public Prosecutor, the decision in *Mohanlal*'s case (supra) is based on the fact that the seized contraband, in that case, was not at all produced before the Court concerned and was disposed of without any explicit orders of the Court. However, in all these cases, the investigation agency, immediately after the arrest and seizure, prepared inventories under Form 95 and produced the same before the Magistrate along with the accused and seized contraband, at the time of remand. Thereafter, on the directions of the Magistrate, the contraband was forwarded to the concerned Special Court, from where, the contraband was forwarded to the Lab. Therefore, this Court is of the view that there is no violation as regards Section 52A of the Act and **Issue No.1 is answered accordingly.**



Issue No.2:-

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Petitioners' contention:-

27.The learned Counsel for the petitioners contended that the contraband in these cases have been recovered from different persons and are of lesser quantity. However, the respondent police, by a statement that the accused persons are having connections, projected the quantity as that of commercial quantity.

28.In this regard, reliance has been made to the decision of the Hon'ble Supreme Court in *Amar Singh Ramjibhai Barot v. State of Gujarat* [2005 (7) SCC 550], wherein, the Hon'ble Supreme Court has held that merely because two persons were found together and the contraband have been recovered individually, it is not proper for the trial Court to convict those persons by treating the contraband as that of commercial quantity.

Prosecutor's stand:-

29.The learned Additional Public Prosecutor, by referring the provisions under the NDPS Act, submitted that it is not necessary that the entire contraband has to be recovered from a single person. The accused persons were arrested simultaneously and commercial quantity of contraband were recovered from them. If any person(s)



was found in possession of commercial quantity of contraband, then, Section 37 of NDPS Act would attract as against that person(s). In this regard, he has relied on the following decisions of this Court:-

- i) *Regu and Others v. Inspector of Police [Crl.OP(MD)Nos.54 of 2021, etc., batch, dated 30.04.2021]*; and
- ii) *Sutheshlimma v. Inspector of Police [Crl.OP(MD)No.4380 of 2024, dated 23.04.2024]*.

30.He further submitted that in the cases on hand, a charge u/s.29 of the NDPS Act is also included that the accused persons have conspired together and committed the offence.

Court's view:-

31.As has been observed supra, Section 37(b) of the NDPS Act is a bar for grant of bail on cases involving commercial quantity. With the risk of repetition, the same is extracted as under:-

“37. Offences to be cognizable and non-bailable. –

(1) Notwithstanding anything contained in the Code of Criminal Procedure,

1973 –



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(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond ...”

32.The words employed in these provisions are “their involvement in the offence of commercial quantity” and not “the possession of the contraband with them”. If it is established that the contraband were recovered from multiple accused in a single case / in the course of same transaction, it cannot be split up individually and the entire contraband seized from one or several accused in a single case have to be taken into consideration for determining whether the quantity seized is commercial quantity or not.

33.In all these cases, the accused persons were arrested and the respondent Police recovered commercial quantity of contraband from them in each crime numbers. Therefore, it is an offence of commercial quantity. Though individual recovery was made from respective accused persons, the fact remains that in each crime numbers, the accused persons were arrested for a single crime, in which the contraband involved is of commercial quantity. Therefore, this Court is not inclined to accede the petitioners' stand and **Issue No.2 is accordingly answered.**



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34. Moreover, as per Sections 35 and 54 of the NDPS Act, there is a presumption as against the accused and it is for the accused to rebut the same during trial. This aspect cannot be decided at the time of considering the bail applications and in this regard, this Court drew support from the decision of this Court in *Vinoth @ Vinothpandian and Another v. Inspector of Police* [2023 2 LW (Crl.) 115], wherein, it has been observed as under:-

"21. ... The question of abetment and criminal conspiracy cannot be gone into at the time of considering the bail petition. It is too early to consider the question of abetment and criminal conspiracy while considering the bail petition. These aspects have to be considered on the basis of oral and documentary evidence that would be adduced during the trial of the case."

35. Since both Issue Nos.1 & 2 raised by the petitioners are answered against them, this Court is not inclined to grant bail to the petitioners on these issues.

36. Apart from the above two issues, the learned Additional Public Prosecutor has raised specific objections in each of the petitions, which are recorded infra.



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37. CrI.OP(MD)No.6059/2024:-

1.The petitioner is the first accused and he was arrested along with the contraband, 100 gram of Magic Mushroom and 1.1 kg of Ganja on 12.02.2023.

2.This is his third bail application and there is no change in circumstances.

38. CrI.OP(MD)Nos.6331 & 7458 of 2024:-

1.The petitioner in CrI.OP(MD)No.6331 of 2024 is the third accused and he was arrested on 24.02.2024. The petitioner in CrI.OP(MD)No.7458 of 2024 is the first accused.

2.The accused nos.1 & 2 were arrested along with the contraband of 22 kg of Ganja. The accused nos.3 & 4 managed to escape from the scene of occurrence.

3.During investigation, it was found that the accused nos.1, 2, 3 & 5 have invested money to purchase the contraband from the fourth accused.

4.The CDR report reveals that the third accused contacted the first accused, who was arrested with the contraband, nearly 847 & 269 times through two different numbers.



39. Crl.OP(MD)No.6850 of 2024:-

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1.The petitioner is the second accused.

2.The accused nos.1 & 2 were arrested along with the contraband of 22.5 kg of Ganja.

3.The petitioner along with the other accused used to purchase Ganja from the fourth accused, a resident of Andhra Pradesh.

4.The accused nos.1 to 3 are habitual offenders and are having several previous cases to their credit.

40. Crl.OP(MD)Nos.6962 & 8234 of 2024:-

1.The petitioner in Crl.OP(MD)No.6962 of 2024 is the second accused and the petitioner in Crl.OP(MD)No.8234 of 2024 is the third accused.

2.The accused nos.1 to 4 were arrested along with the contraband of 24 kg of Ganja.

3.The accused nos.1 to 4 purchased the contraband from Andhra Pradesh and supplied the same to the fifth accused to sell it in the local area.

4.CDR report is available to prove the nexus of the petitioners with the other accused. The second accused contacted the third accused nearly 122 times during the relevant period of crime.



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41. Crl.OP(MD)Nos.8058, 8213 of 2024:-

1.The petitioner in Crl.OP(MD)No.8058 of 2024 is the third accused and the petitioner in Crl.OP(MD)No.8213 of 2024 is the second accused. The accused nos.1 to 4 were arrested along with the contraband of 40 kgs of Ganja.

2.CDR report is available to prove the nexus of the accused. The respondent Police has collected various electronic data to prove the conspiracy in the crime.

42. Crl.OP(MD)No.8280 of 2024:-

1.The petitioner is the sixth accused. The accused nos.1 to 6 were arrested along with 300 kg of contraband, Ganja.

2.The first accused is the kingpin of the case. He purchased the contraband from Andhra Pradesh and planned to smuggle the same to Sri Lanka.

3.The petitioner was travelling along with the other accused in a Tata Sumo vehicle, bearing Reg.No.TN-46-R-6022, at the time of arrest.

43.Considering the objections raised by the learned Additional Public Prosecutor in each of the cases and in view of the answering made by this Court negating the Issue Nos.1 & 2 raised by the petitioners, this Court is not inclined to



grant any relief and accordingly, these criminal original petitions stand dismissed.

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/08/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN/GK

TO

- 1 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
- 2 THE INSPECTOR OF POLICE
USILAMPATTY TOWN POLICE STATION,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
THIRUPPUVANAM P.S.
SIVAGANGAI DISTRICT
- 5 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
- 6 THE INSPECTOR OF POLICE
NIB CID, THANJAVUR.



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7 THE OFFICER INCHARGE,
DISTRICT PRISON,
DINDIGUL.

8 THE OFFICER INCHARGE,
SUB PRISON, THENI, THENI DISTRICT.

9 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

10 THE OFFICER INCHARGE,
DISTRICT PRISON,
PUDUKKOTTAI.

11 THE OFFICER INCHARGE,
DISTRICT PRISON,
THENI.

12 THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.

13 THE OFFICER INCHARGE,
DISTRICT PRISON,
THEKKAMPATTIM, THENI.

14 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+ 1 CC TO M/s.R.SANGEETHA, ADVOCATE IN SR No. 7284 DATED 03/07/2024

+ 1 CC TO Mr.D.SELVAM , ADVOCATE IN SR No. 7293 DATED 03/07/2024



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ORDER
IN

CRL OP(MD). Nos.6059, 6331, 6850, 6962,
7458, 8058, 8213, 8234 and 8280 of 2024

Date :01/07/2024

SS/VR/SAR- /28/08/2024/28P/18C

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