



CRL OP(MD) No.18193 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.18193 of 2023

R.SHANMUGAPRABHU

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
SUBRAMAIYAPURAM P.S
MADURAI DISTRICT.
(CRIME NO.1453 OF 2020)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.DINESH M Advocate

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

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

PRAYER:

To enlarge the petitioner on bail in connection with Crime No.1453 of 2020 in C.C.No.244/2021 for I Additional District and Sessions Judge for E.C.and NDPS Act Cases Madurai on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/A2, who is facing trial for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 25 and 29(i) of NDPS Act in C.C.No.244 of 2021, on the file of the learned I Additional District and Sessions Judge for E.C. & NDPS Act



CRL OP(MD) No.18193 of 2023

Cases, Madurai, in Crime No.1453 of 2020, on the file of the respondent police, seeks bail.

WEB COPY

2.The case of the prosecution is that on 10.11.2020, at about 14.15 hours, based on the secret information, the respondent police conducted vehicle check up at Muthupatti to Avaniyapuram Road, near Yohavinayakar Street. At that time, they stopped lorry bearing Reg.No.TN-38-BC-2506 and searched the vehicle. It was found that 332kgs of Ganja was illegally transported. Hence the case.

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 Crl.OP(MD)No.9455 of 2023 was dismissed by this Court on 08.06.2023 on the ground that NBW against the petitioner was pending. 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 and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.



CRL OP(MD) No.18193 of 2023

6. In the result, this Criminal Original Petition is dismissed.

WEB COPY

sd/-
02/01/2024

/ TRUE COPY /

/01/2024

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

SJI
TO

- 1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE
FOR E.C.AND NDPS ACT CASES
MADURAI
- 2 THE INSPECTOR OF POLICE
SUBRAMAIYAPURAM P.S
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.18193 of 2023

Date :02/01/2024

SS/DD/SAR- /08/01/2024/3P/5C

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