



CRL OP(MD) No.18380 of 2023

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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.18380 of 2023

ESAKKIMUTHU

... PETITIONER/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
AMBASAMUDRAM TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 214 OF 2022

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JEYAMOHAN K Advocate

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

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

PRAYER: FOR BAIL IN CRIME NO. 214 OF 2022 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on

18.12.2022 for the offences punishable under Sections 8(c) r/w 20(b) (ii) (C), 25 and

<https://www.mhc.tn.gov.in/judis>



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29(1) of NDPS Act, in Crime No.214 of 2022 on the file of the respondent police, seeks bail.

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2.The case of the prosecution is that on 18.12.2022 at about 08.15 hours, based on the secret information, the respondent police went to vehicle checkup near Railway Gate at Mannarkovil Junction to Agasthiyarpatti Main Road. At that time, one Mahindra Bolero City Pickup vehicle bearing Registration No.TN 72 BT 4799 was intercepted by the respondent police and on enquiry, the respondent police found that the petitioner/A1, who is the driver of the said vehicle and another person/A2, namely Muthuraman were in possession of 21.150kgs of Ganja in 11 parcel tapped with brown color packing tape and kept inside the Big Tractor Tyre. Thereafter, the petitioner confessed that he purchased the Ganja with the help of A3 Esakki Pandi, A4 Siva and A5 Balasubramainan @ Madathan from Chennai. All the accused collectively put money of Rs.5,28,750/- to purchase the contraband. Further, the petitioner disclosed the fact that as per the instruction of A3 to A5, he brought the contraband to Pabanasam to sell in the School, College and tourist places of Pabanasam area for higher profit. A4, who is the son of A5, only maintained the account details of Ganja business. Hence, the case.



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3.The learned counsel for the petitioner would submit that A5 was already enlarged on bail by this Court in Crl.O.P.(MD)No.6806 of 2023 on 27.04.2023 and hence, he prays for grant bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor for the State would submit that this Court has granted bail to A5 on the ground that no contraband was recovered from him, whereas, in the present case, the petitioner possessed 21.150 kgs of Ganja, which is a commercial quantity, and the respondent police recovered the said contraband from the petitioner. He would further submit that apart from this case, the petitioner is having three previous cases for IPC offence and the petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Hence, he opposed to grant bail to the petitioner.

5.Considering the above facts and circumstances of the case and also considering the facts that the quantity involved in this case is a commercial quantity, that the petitioner is having three previous cases and that 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.



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

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02/01/2024

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

SJI

TO

1. THE INSPECTOR OF POLICE
AMBASAMUDRAM TOWN POLICE STATION,
TIRUNELVELI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUNELVELI.

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

ORDER
IN

CRL OP(MD) No.18380 of 2023

Date :02/01/2024

RK/DD (09/01/2024) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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