



CRL OP(MD) No.18432 of 2023

WEB COPY

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

Monday, the Fifth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.18432 of 2023

DABUR @ SUNDARA MAHALINGAM

... Petitioner / Accused No.4

Vs

THE INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION,
MADURAI.
(CRIME NO.137/2021)

... Respondent / Complainant

For Petitioner : M/s.V.S.Kishok Kumar, Advocate

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

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

PRAYER : FOR BAIL IN CRIME NO. 137 / 2021 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on
20.04.2021 for the offence punishable under Section 8(C) r/w. 20(b)(ii)(C), 29(1) of
NDPS Act, 1985 in Crime No.137 of 2021 on the file of the respondent Police and the



CRL OP(MD) No.18432 of 2023

same was taken on file in C.C.No.511 of 2021 on the file of the I-Additional Special

WEB COPY

Court for Trial of NDPS Act Cases, Madurai, hence, he seeks bail.

2.The case of the prosecution is that on secret information received, the defacto complainant intercepted a vehicle, which is owned by the petitioner and the contraband seized from the from the accused Nos.1 and 2 is worth about 30kgs and obtained confession statement from accused Nos.1 and 2 that they received Ganja from Andrapradesh and on the basis of the confession statement, this petitioner is arrayed as an accused. Hence, the present case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The seizure is only from the accused Nos.1 and 2 and the petitioner is the owner of the alleged vehicle and he is no way connected with the alleged offences. Further, the petitioner is in custody from 14.04.2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the A3 granted anticipatory bail by this Court on the ground that no contraband was seized from him and no previous case is pending against the petitioner. However, this petitioner is concerned, apart from this case, ten previous cases are pending against the petitioner, among which, two cases are



CRL OP(MD) No.18432 of 2023

WEB COPY

similar in nature. This petitioner is the owner of the vehicle and with consent of this petitioner only, the contraband transported by the accused Nos.1 and 2. Hence, he strongly opposed to grant bail to the petitioner.

5. Admittedly, the petitioner was arrested on 14.04.2021 by the respondent Police and the seized contraband is the commercial quantity. The petitioner has not satisfied the twin conditions as required under Section 37 of the NDPS Act. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. However, 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).

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

sd/-
05/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU



CRL OP(MD) No.18432 of 2023

To தலைவர் அவர்கள்

WEB COPY

1.The Inspector of Police,
Mathichiyam Police Station,
Madurai.

2.The Superintendent,
Central Prison,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.18432 of 2023

Date :05/02/2024

ED/ JGB /SAR- (13/03/2024) 4P / 4C

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