



Crl.O.P.(MD) No.20788 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.20788 of 2024

Balamurugan

... Petitioner/ A1

Vs.

State rep. by
The Inspector of Police,
Thiruppuvanam PS,
Sivagangai District.
(Crime No.103 of 2024)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to grant bail for the petitioner/accused No.1 in Crime No.103 of 2024 in C.C.No.114 of 2024 in I Additional District Judge for EC and NDPS Act Cases, Pudukottai on the file of the respondent police.

For Petitioner : Mr.N.Manimaran, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

The petitioner/ A1, who was arrested and remanded to judicial custody for the offence under Sections 8(C) r/w 20(b)(ii)(C) and 25, 29(1) of the 'Narcotic Drugs and Psychotropic Substances Act, 1985' (hereinafter referred to as 'NDPS Act' for brevity), on the file of the respondent, seeks bail.



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2.The case of the prosecution is that on 29.02.2024, a secret information was received by the police and after complying with the mandatory formalities, a red colour car was intercepted and A1 to A4 were travelling in that car. After informing them their rights under Section 50 of the NDPS Act, they waived their rights. Upon search, a total of 24 kilograms of ganja was seized from the car trunk and it was kept in shoulder bags. There are totally four accused persons in this case and the petitioner has been arrayed as A1.

3.The learned counsel for the petitioner submitted that what was seized from A1 was only 6 kilograms of ganja and the seizure that was made from others was also added in order to bring a commercial quantity.

4.This Court has carefully considered the submissions made on either side and materials available on record.

5.This Court does not find any mandatory violation of the provisions of the NDPS Act and the procedure has been properly followed. A1 to A4 were found together in the car and what was seized from them was 24 kilograms of ganja.



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Hence, the total quantity must be put against all the accused persons since they were in conscious possession. It is also informed that there are two previous cases against the petitioner (A1) and both the cases involves the NDPS offence which was registered in the year 2022 and 2023.

6.This Court does not find any mandatory violation and the the twin conditions under Section 37 of the NDPS Act has not been satisfied. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
20/12/2024

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/01/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

TO

- 1 THE I ADDITIONAL DISTRICT
JUDGE FOR EC AND NDPS ACT CASES, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE,
THIRUPPUVANAM P.S.,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.



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

ORDER
IN
CRL OP(MD) No.20788 of 2024
Date :20/12/2024

SS/SKN/SAR- /03/01/2025/ 4P/5C

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