



CRL OP(MD) No.21323 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Third day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21323 of 2023

SHAMEEL AHAMED

... PETITIONER / ACCUSED No.6

Vs

THE INSPECTOR OF POLICE
VIKKARAMANGALAM POLICE STATION,
MADURAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.E.KANNADASAN, Advocate

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

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

PRAYER:

FOR BAIL IN CRIME NO. 136 OF 2023 ON THE FILE OF THE RESPONDENT
POLICE.

ORDER : The Court Made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 10.09.2023 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.136 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 09.09.2023 at about 22.45 hours, the respondent police intercepted the other accused persons in the river mouth of Vellaiaru and recovered 200kgs of Ganja from them and subsequently, based on the confession statement made by the co-accused, the petitioner was implicated in the present case. Hence, this case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he was not available in the scene of occurrence and no recovery was made from the petitioner and based on the confession statement of the co-accused, the petitioner was implicated in this case. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor for the State would submit that though the petitioner was not available in the scene of occurrence, however, he is the master mind and based on the confession statement, the petitioner alone purchased the huge quantity of Ganja and entrusted with the other accused persons to transport the Ganja to Srilanka and the respondent police intercepted the petitioner at Vellaiaru river mouth near Velankanni, when he was transporting Ganja to Srilanka. He would further submit that apart from this case, there are three previous cases pending against him and the quantity involved in this case is a commercial quantity and the petitioner has not satisfied the twin conditions as



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required under Section 37 of the NDPS Act. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side and perused the material records of the case.

6. 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 and the petitioner is having three previous cases and he 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.

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

sd/-
03/01/2024

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/01/2024

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
VIKKARAMANGALAM POLICE STATION, MADURAI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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

ORDER
IN
CRL OP(MD) No.21323 of 2023
Date :03/01/2024

SS/VR/SAR- /09/01/2024/4P/4C

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