



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

Date : 02.11.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)Nos.1607, 4883, 5846, 6472, 7823, 8596, 8858, 9164, 9358, 9376, 9655, 9665, 9995, 10248, 10286, 10290, 10293, 10599, 10831, 10950, 11052, 11143, 11398, 11463, 11466, 11497, 11562, 11565, 11616, 11619, 11623, 11873, 12072, 12613, 12679, 12804, 13423, 13425, 13426, 13484, 13502, 13518, 13645, 13655, 13662, 13664, 13676, 13677, 13678, 13679, 13715, 13813, 13817 of 2021 & 15739 of 2020

Mokkaraj @ Mokkaian	... Petitioner/Accused No.3 in CRL OP(MD). 1607/ 2021
Guna @ Gunasekaran	... Petitioner/Accused Rank Not KNown in CRL OP(MD). 4883/ 2021
Kayambu	... Petitioner/Accused No.8 in CRL OP(MD). 5846/ 2021
Shahul Hameed	... Petitioner/Accused No.4 in CRL OP(MD). 6472/ 2021
Ganesan	... Petitioner/Accused No.7 in CRL OP(MD). 7823/ 2021
S.Amaresan	... Petitioner/Accused No.2 in CRL OP(MD). 8596/ 2021
Sekar	... Petitioner/Accused No.8 in CRL OP(MD). 8858/ 2021
Dinesh Paul	... Petitioner/Accused No.7 in CRL OP(MD). 9164/ 2021
Chithabaram(Kutti)	... Petitioner/Accused No.9 in CRL OP(MD). 9358/ 2021
Sathishkumar @ Kutti @ Kuttisathish	...Petitioner/Accused No.12 in CRL OP(MD). 9376/ 2021



Chithamparam(Kutti) ... Petitioner/Accused No.7
in CRL OP(MD) . 9655/ 2021

Chidhambaram (Kutti) ... Petitioner/Accused No.3
in CRL OP(MD) . 9665/ 2021

WEB COPY

Paul Pandi ... Petitioner/Accused No.4
in CRL OP(MD) . 9995/ 2021

Rajamani @ Rani ... Petitioner/Accused No.3
in CRL OP(MD) . 10248/ 2021

Anandan ... Petitioner/ Accused No.4
in CRL OP(MD) . 10286/ 2021

1. Murugesan @ Palaniyandi

2. Selvakumar ... Petitioners/Accused No.2 & 3
in CRL OP(MD) . 10290/ 2021

Navaneethan ... Petitioner/Accused No.1
in CRL OP(MD) . 10293/ 2021

Solai ... Petitioner/Accused No.2
in CRL OP(MD) . 10599/ 2021

Velayutham ... Petitioner/Accused No.2
in CRL OP(MD) . 10831/ 2021

Tamilselvi ... Petitioner/Accused No.2
in CRL OP(MD) . 10950/ 2021

1. Dinesh Kumar

2. Natchimuthu ... Petitioners/Accused No.4 & 5
in CRL OP(MD) . 11052/ 2021

Kanthasamy ... Petitioner/Accused No.3
in CRL OP(MD) . 11143/ 2021

Matchabala ... Petitioner/Accused No.11
in CRL OP(MD) . 11398/ 2021



WEB COPY

Yogansan	... Petitioner/Accused No.3 in CRL OP(MD) . 11463/ 2021
Mani @ Manikandan	... Petitioner/Accused No.4 in CRL OP(MD) . 11466/ 2021
K.Pandi	... Petitioner/Accused No.3 in CRL OP(MD) . 11497/ 2021
M.Jeyamari	... Petitioner/Accused No.4 in CRL OP(MD) . 11562/ 2021
K.Senthil Kumar	... Petitioner/Accused No.1 in CRL OP(MD) . 11565/ 2021
Balaji	... Petitioner/Accused No.4 in CRL OP(MD) . 11616/ 2021
1. Raj @ Uyirththa Raj	
2. Santhiya Nisman	... Petitioner/Accused No.4 & 5 in CRL OP(MD) . 11619/ 2021
Madhankumar	... Petitioner/Accused No.3 in CRL OP(MD) . 11623/ 2021
Victor	... Petitioner/Accused No.2 in CRL OP(MD) . 11873/ 2021
Kumaravel	... Petitioner/Accused No.3 in CRL OP(MD) . 12072/ 2021
S.Kova @ Kubendran	... Petitioner/Accused No.2 in CRL OP(MD) . 12613/ 2021
Kaleeswari	... Petitioner/Accused No.1 in CRL OP(MD) . 12679/ 2021
Kumar	... Petitioner/Accused No.2 in CRL OP(MD) . 12804/ 2021



Govindaraj

... Petitioner/2nd Accused
in CRL OP(MD)No.13423 & 13426 of 2021

S.M.Gopi

... Petitioner/Accused No.5
in CRL OP(MD)No.13425 of 2021

WEB COPY

A.Hari Haran

... Petitioner/1st Accused
in CRL OP(MD)No.13484 of 2021

Kalidoss

... Petitioner/Accused No.2
in CRL OP(MD)No.13502 of 2021

Dineshkumar

... Petitioner/Accused-2
in CRL OP(MD)No.13518 of 2021

Kannan

... Petitioner/Accused No.5
in CRL OP(MD)No.13645 of 2021

K.Chithravel @ Surya

... Petitioner/Accused No.4
in CRL OP(MD)No.13655 of 2021

Nagammal

... Petitioner/Accused No.2
in CRL OP(MD)No.13662 of 2021

Kannan

... Petitioner/Accused No.4
in CRL OP(MD)No.13664 of 2021

P.Saba @ Sabarathinam

... Petitioner/Accused No.4
in CRL OP(MD)No.13676 of 2021

P.Saba @ Sabarathinam

... Petitioner/Accused No.1
in CRL OP(MD)No.13677 of 2021

P.Saba @ Sabarathinam

... Petitioner/Accused No.6
in CRL OP(MD)No.13678 of 2021



P.Saba @ Sabarathinam

... Petitioner/Accused No.3
in CRL OP(MD)No.13679 of 2021

Satheesh Kumar

... Petitioner/ Accused No.1
in CRL OP(MD). 13715/ 2021

WEB COPY

Britto

... Petitioner
in CRL OP(MD). 13813/ 2021

Peratchi

... Petitioner/ Accused No.5
in CRL OP(MD). 13817/ 2021

Virumandi

... Petitioner/Accused No.2
in CRL OP(MD). 15739/ 2020

-VS-

STATE REP.BY

The Inspector of Police

Avaiapuram Police Station, Madurai City,

Cr No. 1623/2020. ... Respondent in CRL OP(MD). 1607/ 2021

The Inspector of Police

Nagapattinam Police Station,

Nagapattinam District

Cr No. 14/2020. ... Respondent in CRL OP(MD). 4883/ 2021

The Inspector of Police

Kadaladi Police Station,

Ramanathapuram District.

Cr.No. 44 of 2020. ... Respondent in CRL OP(MD). 5846/ 2021

1. The Inspector of Police

Paramakudi Town Police Station,

Ramanathapuram District.

(Crime No. 96 of 2021)

2. The Additional Director General of Police (Crime),

Egmore, Chennai.

3. The Director General Police

(Law and Order),

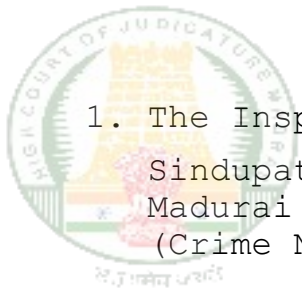
Dr.Balakrishnan Salai,

Mylapore, Chennai-600 004.

(R2 and R3 Suo Motu Impleaded as Per Order

of This Court dated 02/08/2021

... Respondents in CRL OP(MD). 6472/ 2021



1. The Inspector of Police
Sindupatty Police Station,
Madurai District,
(Crime No.38 of 2020)

... Respondent in CRL OP(MD). 7823/ 2021

WEB COPY

1. The Inspector of Police
Cumbum North Police Station, Theni District
Cr No. 909/2020

2. The Inspector of Police
NIBCID Police Station, Theni District.
Now the Case Has Been Transfer to NIBCID,
Theni as Cr No.42 of 2020

... Respondent in CRL OP(MD). 8596/ 2021

The Inspector of Police
S.S.Colony Police Station, Madurai District.
Cr.No. 2361 of 2020.

... Respondent in CRL OP(MD). 8858/ 2021

The Inspector of Police
Muneerpallam Police Station,
Tirunelveli District. (Cr.No.526/2020)

... Respondent in CRL OP(MD). 9164/ 2021

The Inspector of Police
Kumbakonam West Police Station,
Thanjavur District.

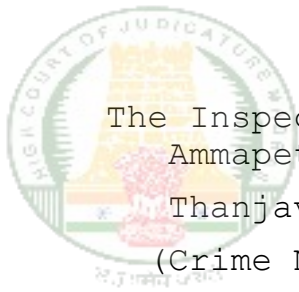
(Cr.No.912/2021) ... Respondent in CRL OP(MD). 9358/ 2021

The Inspector of Police
Koodalpudur Police Station,
Madurai District. (Cr.No.1388/2020)

... Respondent in CRL OP(MD). 9376/ 2021

The Inspector of Police
Kumbakonam West Police Station,
Thanjavur District.

(Crime No.1135/2021) ... Respondent in CRL OP(MD). 9655/ 2021



The Inspector of Police
Ammapet Police Station,
Thanjavur District
(Crime No.772/2021)

... Respondent in CRL OP(MD). 9665/ 2021

WEB COPY

Inspector of Police
NIB CID Police Station, Nagapattinam,
Nagapattinam District
(In Crime No.58/2019)

... Respondent in CRL OP(MD). 9995/ 2021

The Inspector of Police
Karimedu Police Station, Madurai.
in Crime No.1466 of 2020

... Respondent in CRL OP(MD). 10248/ 2021

The Sub Inspector of Police
Thanjavur Taluk Police Station,
Thanjavur District.
Cr.No. 912 of 2021.

... Respondent in CRL OP(MD). 10286/ 2021

The Sub Inspector of Police
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime.No.912 of 2021)

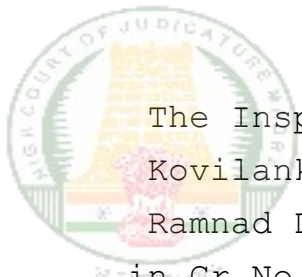
... Respondent in CRL OP(MD). 10290/ 2021

The Inspector of Police
Pattiveeranpatti Police Station,
Dindigul District.
(Crime.No.288 of 2021)

... Respondent in CRL OP(MD). 10293/ 2021

The Inspector of Police
Avaniapuram Police Station,
Madurai District.

in Crime No.668 of 2021 ... Respondent in CRL OP(MD). 10599/ 2021



The Inspector of Police
Kovilankulam Police Station,
Ramnad District

in Cr.No.16/2021

... Respondent in CRL OP(MD). 10831/ 2021

WEB COPY

The Inspector of Police
Usilampatty Town Police Station,
Madurai District.
Cr No.141/2020

... Respondent in CRL OP(MD). 10950/ 2021

The Inspector of Police
Inspector of Police,
Elumalai Police Station, Madurai District
(Crme No.169/2021)

... Respondent in CRL OP(MD). 11052/ 2021

The Inspector of Police
Manur Police Station,
Tirunelveli District.
Cr.No.367 of 2020.

... Respondent in CRL OP(MD). 11143/ 2021

The Inspector of Police
Subramaniapuram Police Station,
Madurai City.
Cr.No. 1453 of 2020.

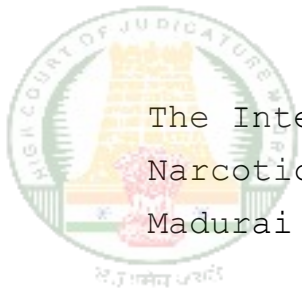
... Respondent in CRL OP(MD). 11398/ 2021

The Inspector of Police
Thangachimadam Police Station,
Ramanthapuram District
(Crime No. 70 of 2021)

... Respondent in CRL OP(MD). 11463/ 2021

The Inspector of Police,
NIBCID, Thoothukudi.
(Crime No.345 of 2020)

... Respondent in CRL OP(MD). 11466/ 2021



The Intelligence Officer
Narcotics Control Bureau, Madurai Sub Zone,
Madurai District.

... Respondent in CRL OP(MD). 11497/ 2021

WEB COPY

The Sub Inspector of Police
Keerathurai Police Station,
Madurai District
(Crime No.04 of 2021)

... Respondent in CRL OP(MD). 11562/ 2021

The Inspector of Police
NIB CID, Thoothukudi,
Thoothukudi District
(Crime No.18 of 2020)

... Respondent in CRL OP(MD). 11565/ 2021

The Inspector of Police
C-5 Karimedu Police Station,
Madurai City
(Crime No.1403 of 2020)

... Respondent in CRL OP(MD). 11616/ 2021

The Inspector of Police
Thangachimadam Police Station,
Ramanathapuram District.
(Crime No.70 of 2021)

... Respondent in CRL OP(MD). 11619/ 2021

The Inspector of Police
Woraiyur Police Station,
Trichirappalli District.

(Crime No.400 of 2021) ... Respondent in CRL OP(MD). 11623/ 2021

The Inspector of Police
NIB CID Police Station,
Thoothukudi.
Crime No.10 of 2021.

... Respondent in CRL OP(MD). 11873/ 2021



The Inspector of Police
Keerathurai Police Station,
Madurai.

Cr.No.4 of 2021. ... Respondent in CRL OP(MD). 12072/ 2021

WEB COPY

The Inspector of Police
Cumbum North Police Station,
Theni District.

Cr.No. 1012 of 2020. ... Respondent in CRL OP(MD). 12613/ 2021

The Inspector of Police
Thiruppuvanam Police Station,
Manamadurai, Sivagangai District.

(Cr.No. 432 of 2020) ... Respondent in CRL OP(MD). 12679/ 2021

The Sub Inspector of Police
Nagore Police Station, Nagapattinam District
Cr.No.750 of 2021

... Respondent in CRL OP(MD). 12804/ 2021

The Inspector of Police,
Woraiyur Police Station, Trichy District

Cr No.400/2021 ... Respondent/Complainant
in CRL OP(MD)Nos.13423 & 13484 of 2021

The Inspector of Police,
Subramaniyapuram Police Station, Madurai City.

Cr No.116/2021 ... Respondent/Complainant
in CRL OP(MD)Nos.13425 & 13655 of 2021

The Inspector of Police,
Woraiyur Police Station, Trichy

Cr No.402/2021 ... Respondent/Complainant
in CRL OP(MD)No.13426 of 2021

The Inspector of Police,
Pamban Police Station, Ramanathapuram

Cr No.171/2021 ... Respondent/Complainant
in CRL OP(MD)No.13502 of 2021



The Inspector of Police,
Karimedu Police Station, Madurai District

Cr No.1451/2020

... Respondent/Complainant
in CRL OP(MD)No.13518 of 2021

WEB COPY

The Inspector of Police,
Cumbum North Police Station, Theni District

Cr No.1012/2020

... Respondent/Complainant
in CRL OP(MD)No.13645 of 2021

The Inspector of Police,
Karimedu Police Station, Madurai City

Cr No.1466/2020

... Respondent/Complainant
in CRL OP(MD)No.13662 of 2021

The Inspector of Police,
NIB CID, Theni District

Cr No.16/2021

... Respondent/Complainant
in CRL OP(MD)No.13664 of 2021

The Inspector of Police,
Subramaniyapuram Police Station, Madurai City.

Cr No.1453/2020

... Respondent/Complainant
in CRL OP(MD)No.13676 of 2021

The Inspector of Police,
SS Colony Police Station, Madurai.

Cr No.2361/2020

... Respondent/Complainant
in CRL OP(MD)No.13677 of 2021

The Inspector of Police,
Paramakudi Town Police Station, Ramanathapuram

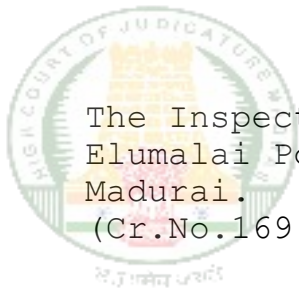
Cr No.96/2021

... Respondent/Complainant
in CRL OP(MD)No.13678 of 2021

The Inspector of Police,
Keeraithurai Police Station, Madurai City.

Cr No.97/2021

... Respondent/Complainant
in CRL OP(MD)No.13679 of 2021



The Inspector of Police,
Elumalai Police Station,
Madurai.
(Cr.No.169 of 2021)

... Respondent
in CRL OP(MD) . 13715/ 2021

The Inspector of Police
NIB-CID, Thoothukudi.
(Crime No. 10 of 2021)

... Respondent
in CRL OP(MD) . 13813/ 2021

The Inspector of Police
Munneerpallam Police Station,
Tirunelveli District.
Crime No.526 of 2020

... Respondent
in CRL OP(MD) . 13817/ 2021

The Inspector of Police,
Checkanurani Police Station,
Madurai District
Cr No. 95/2020.

... Respondent in CRL OP(MD) . 15739/ 2020

PETITIONS FOR ANTICIPATORY BAIL 438 OF CR.P.C.

CRL OP(MD) . 4883/ 2021 :

CRL OP(MD) . 9358/ 2021 :

CRL OP(MD) . 9655/ 2021 :

CRL OP(MD) . 9665/ 2021 :
CRL OP(MD) . 9995/ 2021 :

CRL OP(MD) . 13676/2021 :

CRL OP(MD) . 13677/2021 :

CRL OP(MD) . 13678/2021 :

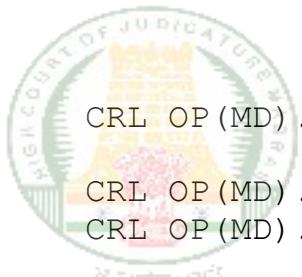
CRL OP(MD) . 13679/2021 :

CRL OP(MD) . 15739/ 2020 :

PETITIONES FOR BAIL UNDER SECTION 439 OF CR.P.C.,

CRL OP(MD) . 1607/ 2021 :

CRL OP(MD) . 5846/ 2021 :



CRL OP (MD) . 6472/ 2021 :

CRL OP (MD) . 7823/ 2021 :

CRL OP (MD) . 8596/ 2021 :

CRL OP (MD) . 8858/ 2021 :

CRL OP (MD) . 9164/ 2021 :

CRL OP (MD) . 9376/ 2021 :

CRL OP (MD) . 10248/ 2021 :

CRL OP (MD) . 10286/ 2021 :

CRL OP (MD) . 10290/ 2021 :

CRL OP (MD) . 10293/ 2021 :

CRL OP (MD) . 10599/ 2021 :

CRL OP (MD) . 10831/ 2021 :

CRL.OP (MD) . 10950/ 2021 :

CRL OP (MD) . 11052/ 2021 :

CRL OP (MD) . 11143/ 2021 :

CRL OP (MD) . 11398/ 2021 :

CRL OP (MD) . 11463/ 2021 :

CRL OP (MD) . 11466/ 2021 :

CRL OP (MD) . 11497/ 2021 :

CRL OP (MD) . 11562/ 2021 :

CRL OP (MD) . 11565/ 2021 :

CRL OP (MD) . 11616/ 2021 :

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CRL OP (MD) . 11623/ 2021 :

CRL OP (MD) . 11873/ 2021 :

CRL OP (MD) . 12072/ 2021 :

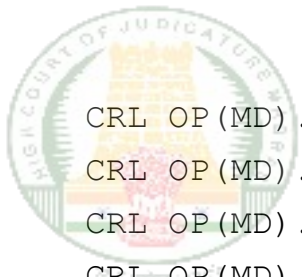
CRL OP (MD) . 12613/ 2021 :

CRL OP (MD) . 12679/ 2021 :

CRL OP (MD) . 12804/ 2021 :

CRL OP (MD) . 13423/2021 :

CRL OP (MD) . 13425/2021 :



CRL OP (MD) . 13426/2021 :
CRL OP (MD) . 13484/2021 :
CRL OP (MD) . 13502/2021 :
CRL OP (MD) . 13518/2021 :
CRL OP (MD) . 13645/2021 :
CRL OP (MD) . 13655/2021 :
CRL OP (MD) . 13662/2021 :
CRL OP (MD) . 13664/2021 :

CRL OP (MD) . 13715/2021 :

CRL OP (MD) . 13813/2021 :
CRL OP (MD) . 13817/2021 :

For Petitioner in CRL OP (MD) . 1607/ 2021
M/S.YASMIN BEGUM.P

For Petitioner in CRL OP (MD) . 4883/ 2021
M/S.LINGADURAI.M.

For Petitioner in CRL OP (MD) . 5846/ 2021
M/S.JEYAKARTHIK M.S.

For Petitioner in CRL OP (MD) . 6472/ 2021
M/S. S.M.A.JINNAH

For Petitioner in CRL OP (MD) . 7823/ 2021
M/S.VISHNUVARATHAN.S.

For Petitioner in CRL OP (MD) . 8596/ 2021
M/S.VISHNUVARATHAN.S.

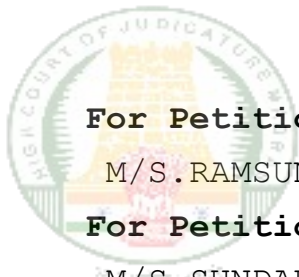
For Petitioner in CRL OP (MD) . 8858/ 2021
M/S.PRABHA.S

For Petitioner in CRL OP (MD) . 9164/ 2021
M/S. VAIGUNTH A. S

For Petitioner in CRL OP (MD) .9358/ 2021
M/S.RAMSUNDARVIJAYARAJ S

For Petitioner in CRL OP (MD) . 9376/ 2021
M/S.NIRANJAN.S.KUMAR

For Petitioner in CRL OP (MD) .9655/ 2021
M/S.RAMSUNDARVIAYARAJ.S



For Petitioner in CRL OP(MD) . 9665/ 2021

M/S.RAMSUNDARVIAYARAJ.S

For Petitioner in CRL OP(MD) .9995/ 2021

M/S.SUNDAR.R

For Petitioner in CRL OP(MD) .10248/ 2021

M/S.LAJAPATHI ROY T

For Petitioner in CRL OP(MD) . 10286/ 2021

M/S.RAMESH M

For Petitioner in CRL OP(MD) . 10290/ 2021

M/S. RAMESH M

For Petitioner in CRL OP(MD) . 10293/ 2021

M/S.SATHYA CHIDAMBARAM S

For Petitioner in CRL OP(MD) . 10599/ 2021

M/S.MURALI R

For Petitioner in CRL OP(MD) . 10831/ 2021

M/S.CHAKKKARAVARTHY S.J.

For Petitioner in CRL OP(MD) . 10950/ 2021

M/S.JEGADEESH PANDIAN M

For Petitioner in CRL OP(MD) . 11052/ 2021

M/S.S.BALAJI

For Petitioner in CRL OP(MD) . 11143/ 2021

M/S.VEERAPANDI S.P.

For Petitioner in CRL OP(MD) . 11398/ 2021

M/S.VAIRAM SANTHOSH G.V.

For Petitioner in CRL OP(MD) . 11463/ 2021

M/S.ARUMUGAM.C.M.

For Petitioner in CRL OP(MD) . 11466/ 2021

M/S. MARAN.M

For Petitioner in CRL OP(MD) .11497/ 2021

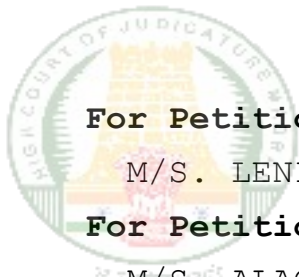
M/S.JEYAPRAKASH M

For Petitioner in CRL OP(MD) . 11562/ 2021

M/S. SASIKUMAR.D

For Petitioner in CRL OP(MD) . 11565/ 2021

M/S. APPAJI.C.K.M



For Petitioner in CRL OP(MD) . 11616/ 2021

M/S. LENIN KUMAR.T

For Petitioner in CRL OP(MD) . 11619/ 2021

M/S. ALAGUMANI.R

For Petitioner in CRL OP(MD) . 11623/ 2021

M/S.JAMEEL ARASU B

For Petitioner in CRL OP(MD) . 11873/ 2021

M/S.HAROON RASHEED.D.S

For Petitioner in CRL OP(MD) . 12072/ 2021

M/S.BALAJI A

For Petitioner in CRL OP(MD) . 12613/ 2021

M/S.PRABAKARAN K

For Petitioner in CRL OP(MD) .12679/ 2021

M/S.NIRANJAN.S.KUMAR

For Petitioner in CRL OP(MD) . 12804/ 2021

M/S.RAMSUNDARVIJAYRAJ S

For Petitioners in CRL OP(MD) . 13423&13426 2021

M/S.SUNDAR R

For Petitioner in CRL OP(MD) . 13425/ 2021

M/S.JAYASEELAN K

For Petitioner in CRL OP(MD) . 13484/ 2021

M/S.YASAR ARAFATH K

For Petitioner in CRL OP(MD) . 13502/ 2021

M/S.YASIN BEGUM P

For Petitioner in CRL OP(MD) . 13518/ 2021

M/S.MUTHU GANESA PANDIAN K

For Petitioners in CRL OP(MD) . 13645&13664 2021

M/S.SIVABALAN K

For Petitioner in CRL OP(MD) . 13655/ 2021

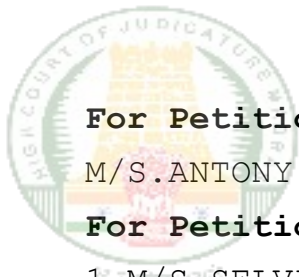
M/S.VENKATESAN R

For Petitioner in CRL OP(MD) . 13662/ 2021

M/S.JEGADEESH PANDIAN M

For Petitioners in CRL OP(MD) . 13676,13677,13678&13679/ 2021

M/S.NIRANJAN S.KUMAR



For Petitioner in CRL OP(MD) . 13715/ 2021

M/S.ANTONY ARULRAJ T

For Petitioner in CRL OP(MD) . 13813/ 2021

1 M/S.SELVAN T

For Petitioner in CRL OP(MD) . 13817/ 2021

M/S.JEYAKARTHIK M.S.

For Petitioner in CRL OP(MD) . 15739/ 2020

M/S.R.ANAND

For Respondent : Mr.Hasan Mohammed Jinnah,
State Public Prosecutor
Assisted by
Mr.T.Senthil Kumar,
Additional Public Prosecutor
for State in all the cases

COMMON ORDER : The Court made the following order :

"The drink and the drug evil is in many respects infinitely worse than the evil caused by malaria and the like; for, whilst the latter only injure the body, the former saps both body and mind.

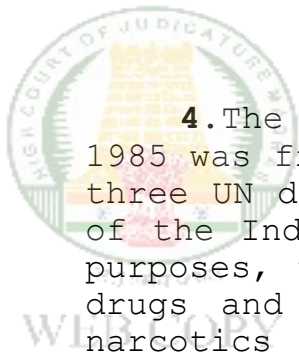
- M.K.Gandhi, Young India 3-3-1927"

A quote referred to by a Division Bench of this Court in HCP.No.2703 of 2019, dated 14.07.2020.

2.The petitioners before this Court are either arrested by the respondent police or are apprehending arrest at the hands of the respondent police, in connection with the offence under the Narcotic Drugs and Psychotropic Substances Act (in short NDPS Act) and therefore, they have filed the respective petitions seeking bail / anticipatory bail.

3.Narcotic Drugs and Psychotropic Substances have several medical and scientific uses. However, they can be and are also abused and trafficked. India's approach towards Narcotic Drugs and Psychotropic Substances is enshrined in Article 47 of the Constitution of India which mandates that the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The same principle of preventing use of drugs, except for medicinal use, was also adopted in the three international conventions on drug related matters, viz., Single Convention on Narcotic Drugs, 1961; Convention on Psychotropic Substances, 1971; and the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988. India has signed and ratified these three conventions.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 was framed taking into account of India's obligations under the three UN drug Conventions as well as Article 47 of the Constitution of the India. This Act prohibits, except for medical or scientific purposes, the manufacture, production, trade, use, etc. of narcotic drugs and psychotropic substances, as well as limits the use of narcotics drugs and psychotropic substances for medical and scientific purposes.

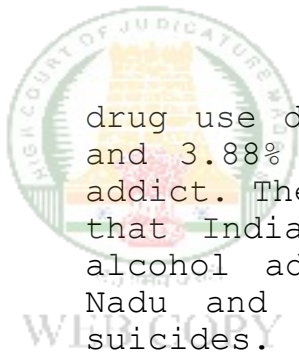
5.The Narcotic Drugs and Psychotropic Substances Act, 1985, views drug offences very seriously and prescribes stiff penalties. The Act follows a graded system of punishment varying with the quantum of punishment being dependent upon whether the offence pertains to small, commercial and intermediate quantities of narcotic drugs and psychotropic substances. For offences involving commercial quantities of drugs, a minimum penalty of ten years rigorous imprisonment is prescribed, which may extend to twenty years. Repeat offences attract one and half times the penalty and in a few cases even the death penalty. Therefore, stiff procedures are enumerated in the Act to be followed by the Officers, while carrying out the arrest and seizure.

6.The allegation in the present cases is that the petitioners / accused were found in possession of commercial quantity of contraband - Ganja and therefore, they are booked for the respective offences. As per the notification of the Central Government in S.O.1055[E] dated 19.10.2001, 20 kgs of Ganja is fixed as commercial quantity, meaning thereby, in all these cases, the petitioners were found in possession of Ganja weighing about 20 kgs or more.

7.In order to get a clear picture as to the ground reality, this Court clubbed the matters that came up for consideration before this Court under Sections 438 and 439 Cr.P.C in relation to the offence under the NDPS Act (commercial quantity alone), for the past two months and it appears that approximately 4000 kgs of Ganja was involved in these cases. This whopping quantity of Ganja involved in the petitions filed in a couple of months expose the volume of Ganja that is in circulation within a few districts, which is very much shocking and warrants serious consideration by all concerned.

8.As per the data of the National Crime Records Bureau (NCRB), in between the years 2017 and 2019, around 11,858 cases under the NDPS Act were registered in this State. The State of Tamil Nadu ranks 5th place with the number of cases registered for the narcotic and psychotropic substances offences.

9.The United Nations conducted a survey and published a report on the World Drug Day that Survey in India-2018 revealed that there is a steep increase in drug consumption and around 271 million people are using some form of drugs and around 13% suffered due to



drug use disorders. Another report estimates that around 3.44% boy and 3.88% girl students in the age group of 15 and 20 are drug addict. The data were tabled before the Rajya Sabha in the year 2016 that India recorded 10 suicide cases every day, due to drug or alcohol addiction. The States of Maharashtra, Madhya Pradesh, Tamil Nadu and Kerala are at the top of the table of drug related suicides.

10. According to the National Crime Records Bureau (NCRB), there were 3647 such suicide cases reported in India in the year 2014, of which, Tamil Nadu accounted for 552 suicide cases. These reports not only frighten, but also expose the ground reality as to how Ganja and other drugs spoil the students and adolescents.

11. As per the Annual Report 2020-21 of the Department of Social Justice and Empowerment, Government of India, Alcohol is the most common psychoactive substance used by Indians followed by Cannabis and Opioids. About 16 Crore persons consume alcohol in the country, 3.1 Crore individuals use cannabis products and 2.26 Crore use opioids. More than 5.7 Crore individuals are affected by harmful or dependent alcohol use and need help for their alcohol use problems, about 25 lakh suffer from cannabis dependence and approximately 77 lakh individuals are estimated to need help for their opioid use problems.

12. The law framers viewed the possession of commercial quantity of contraband very seriously and therefore, Section 37 of the NDPS Act has been introduced. As per the said Section, regular bail is denied to an accused, who are found in possession of commercial quantity of contraband, unless there are reasonable grounds for believing that the accused are not guilty of such offence and that they are not likely to commit any offence while on bail. For ready reference, Section 37 of the NDPS Act is extracted as under:

"37. Offences to be cognizable and non-bailable

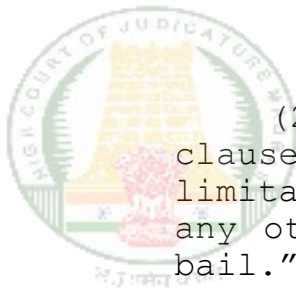
(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 -

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity shall be released on bail or on his own bond unless -

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.



(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 or any other law for the time being in force, on granting of bail."

However, this will not be applicable to the case of grant of statutory bail under Section 167(2) Cr.P.C., as per which, if the final report is not filed within the stipulated period, the accused are entitled for default bail.

13. The law framers have thought of this aspect also and have introduced Section 36A of the NDPS Act. As per Section 36A(4) of the Act, the time limit for filing the final report in respect of commercial quantity of contraband is extended from 90 days to 180 days. A proviso to Section 36A(4) of the Act has also been introduced, as per which, if the final report could not be filed even within the 180 days period, then, on an application filed by the Public Prosecutor, the concerned Court can grant extension of time upto one year for filing the final report.

14. For better appreciation, the said provisions are extracted as under:

"36A. Offences triable by Special Courts:

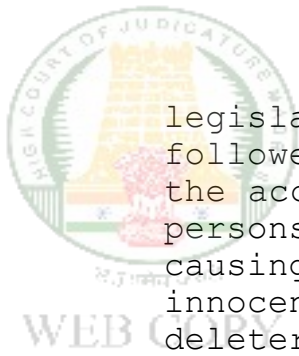
(4) In respect of persons accused of an offence punishable under section 19 or section 24 or section 27A or for offences involving commercial quantity the references in sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 thereof to "ninety days", where they occur, shall be construed as reference to "one hundred and eighty days":

Provided that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days."

15. While considering the grant of bail, the Hon'ble Supreme Court in ***State of Kerala etc., Vs. Rajesh etc.***, reported in **2020 SCC Online SC 81**, has held as follows:

"19. This Court has laid down broad parameters to be followed while considering the application for bail moved by the accused involved in offences under NDPS Act. In Union of India Vs. Ram Samujh and Ors. 1999(9) SCC 429, it has been elaborated as under:

"7. It is to be borne in mind that the aforesaid



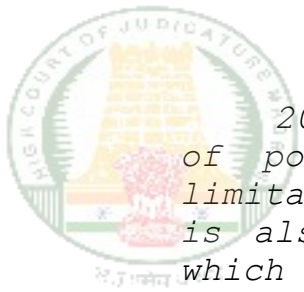
legislative mandate is required to be adhered to and followed. It should be borne in mind that in a murder case, the accused commits murder of one or two persons, while those persons who are dealing in narcotic drugs are instrumental in causing death or in inflicting deathblow to a number of innocent young victims, who are vulnerable; it causes deleterious effects and a deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and/or dealing in intoxicants clandestinely. Reason may be large stake and illegal profit involved. This Court, dealing with the contention with regard to punishment under the NDPS Act, has succinctly observed about the adverse effect of such activities in *Durand Didier v. Chief Secy., Union Territory of Goa* [(1990) 1 SCC 95)] as under:

24. With deep concern, we may point out that the organised activities of the underworld and the clandestine smuggling of narcotic drugs and psychotropic substances into this country and illegal trafficking in such drugs and substances have led to drug addiction among a sizeable section of the public, particularly the adolescents and students of both sexes and the menace has assumed serious and alarming proportions in the recent years. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace, causing deleterious effects and deadly impact on the society as a whole, Parliament in its wisdom, has made effective provisions by introducing this Act 81 of 1985 specifying mandatory minimum imprisonment and fine.

8. To check the menace of dangerous drugs flooding the market, Parliament has provided that the person accused of offences under the NDPS Act should not be released on bail during trial unless the mandatory conditions provided in Section 37, namely,

(i) there are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) that he is not likely to commit any offence while on bail are satisfied. The High Court has not given any justifiable reason for not abiding by the aforesaid mandate while ordering the release of the respondent accused on bail. Instead of attempting to take a holistic view of the harmful socioeconomic consequences and health hazards which would accompany trafficking illegally in dangerous drugs, the court should implement the law in the spirit with which Parliament, after due deliberation,



20. The scheme of Section 37 reveals that the exercise of power to grant bail is not only subject to the limitations contained under Section 439 of the CrPC, but is also subject to the limitation placed by Section 37 which commences with nonobstante clause. The operative part of the said section is in the negative form prescribing the enlargement of bail to any person accused of commission of an offence under the Act, unless twin conditions are satisfied. The first condition is that the prosecution must be given an opportunity to oppose the application; and the second, is that the Court must be satisfied that there are reasonable grounds for believing that he is not guilty of such offence. If either of these two conditions is not satisfied, the ban for granting bail operates."

16. As to what the expression "reasonable grounds" means, the Hon'ble Supreme Court in **Union of India Vs Rattan Mallik Alias Habul** reported in **(2009) 2 SCC 1**, has held as follows:

"13. The expression 'reasonable grounds' has not been defined in the said Act but means something more than prima facie grounds. It connotes substantial probable causes for believing that the accused is not guilty of the offence he is charged with. The reasonable belief contemplated in turn points to existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence. [Vide Union of India Vs. Shiv Shanker Kesari] Thus, recording of satisfaction on both the aspects, noted above, is sine qua non for granting of bail under the NDPS Act.

14. We may, however, hasten to add that while considering an application for bail with reference to Section 37 of the NDPS Act, the Court is not called upon to record a finding of 'not guilty'. At this stage, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused has committed offence under the NDPS Act. What is to be seen is whether there is reasonable ground for believing that the accused is not guilty of the offence(s) he is charged with and further that he is not likely to commit an offence under the said Act while on bail. The satisfaction of the Court about the existence of the said twin conditions is for a limited purpose and is confined to the question of releasing the accused on bail.

... 16. Merely because, according to the Id. Judge, nothing was found from the possession of the respondent, it could not be said at this stage that the respondent was not guilty of the offences for which he had



been charged and convicted. We find no substance in the argument of learned counsel for the respondent that the observation of the learned Judge to the effect that "nothing has been found from his possession" by itself shows application of mind by the Ld. Judge tantamounting to "satisfaction" within the meaning of the said provision. It seems that the provisions of the NDPS Act and more particularly Section 37 were not brought to the notice of the learned Judge."

17.In *State of M.P. Vs. Kajad* reported in **(2001) 7 SCC 673**, the Hon'ble Supreme Court has held as follows:

"Negation of bail is the rule and its grant and exception under sub clause (ii) of clause (b) of Section 37(1)."

18.The reading of these judgments makes it clear that so far as the offences covered under NDPS Act, jail is the rule and the bail is an exception. Before granting bail, the Court must be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

19.With the above statutory provisions as well as rulings of the Hon'ble Supreme Court in hand, this Court proceeded with the hearing of these cases.

20.In all these cases, the respective petitioners' Counsel have uniformly raised a ground that the mandatory procedures contemplated under Sections 42 and 50 of NDPS Act have been given a go-by by the respondent police. It is a statutory right provided to the accused under the NDPS Act. The NDPS Act is a draconian act providing for stringent punishment by way of imprisonment and fine. Therefore, the special provisions are made to safeguard the innocent public from wrongful prosecution. If those mandatory procedures are not followed, it has to be presumed that there is every possibility of creating, fabricating and manipulating the documents to suit the case of the prosecution and frame any innocent in the case.

21.Court's view:

21.1.The point to be considered in this regard is as to whether this technical aspect can be decided at the time of considering the bail application. The Hon'ble Supreme Court in *Karnail Singh Vs. State of Haryana* reported in **(2009) 8 SCC 539**, has held as follows:

"If the statutory provisions under Section 41(2) and 42(2) of the Act of writing down the information is interpreted as a mandatory provision, it will disable the



haste of an emergency situation and may turn out to be in vain with regard to the criminal search and seizure. These provisions should not be misused by the wrongdoers/offenders as a major ground for acquittal. Consequently, these provisions should be taken as discretionary measure which should check the misuse of the Act rather than providing an escape to the hardened drug-peddlers. Similarly, where the police officer does not record the information at all, and does not inform the official superior at all, then also it will be a clear violation of section 42 of the Act. Whether there is adequate or substantial compliance with section 42 or not is a question of fact to be decided in each case. The above position got strengthened with the amendment to section 42 by Act 9 of 2001."

21.2.It is seen from this judgment that the compliance of the procedures under Section 42 of the NDPS Act whether adequate or substantial, is a question that has to be decided in each and every case.

21.3.Similarly when considering the compliance of the procedures under Section 50 of the NDPS Act, the Hon'ble Supreme Court in **Vijaysinh Chandubha Jadeja Vs. State of Gujarat**, reported in **2011 (1) SCC 609**, has held as follows:

"Needless to add that the question whether or not the procedure prescribed has been followed and the requirement of Section 50 had been met, is a matter of trial. It would neither be possible nor feasible to lay down any absolute formula in that behalf. We also feel that though Section 50 gives an option to the empowered officer to take such person (suspect) either before the nearest gazetted officer or the Magistrate but in order to impart authenticity, transparency and creditworthiness to the entire proceedings, in the first instance, an endeavour should be to produce the suspect before the nearest Magistrate, who enjoys more confidence of (1974) 2 SCC 33 the common man compared to any other officer. It would not only add legitimacy to the search proceedings, it may verily strengthen the prosecution as well."

21.4.Earlier in **State of Punjab Vs. Baldev Singh** reported in **(1999) 6 SCC 172**, the Hon'ble Supreme Court has held as follows:

"It is, however, not necessary to give the information to the person to be searched about his right in writing. It is sufficient if such information is communicated to the concerned person orally and as far as possible in the presence of some independent and respectable persons



witnessing the arrest and search. The prosecution must, however, at the trial, establish that the empowered officer had conveyed the information to the concerned person of his right of being searched in the presence of the Magistrate or a Gazetted Officer, at the time of the intended search. Courts have to be satisfied at the trial of the case about due compliance with the requirements provided in Section 50. No presumption under Section 54 of the Act can be raised against an accused, unless the prosecution establishes it to the satisfaction of the court, that the requirements of Section 50 were duly complied with."

"The question whether or not the safeguards provided in Section 50 were observed would have, however, to be determined by the court on the basis of the evidence led at the trial and the finding on that issue, one way or the other, would be relevant for recording an order of conviction or acquittal. Without giving an opportunity to the prosecution to establish at the trial that the provisions of Section 50, and particularly, the safeguards provided in that section were complied with, it would not be advisable to cut short a criminal trial."

"(5) That whether or not the safeguards provided in Section 50 have been duly observed would have to be determined by the Court on the basis of evidence led at the trial. Finding on that issue, one way or the other, would be relevant for recording an order of conviction or acquittal. Without giving an opportunity to the prosecution to establish, at the trial, that the provisions of Section 50, and particularly the safeguards provided therein were duly complied with, it would not be permissible to cut- short a criminal trial."

21.5.It is clear from the decisions of the Hon'ble Supreme Court that the compliance or non-compliance; adequate compliance or substantial compliance of the mandatory procedures under Sections 42 and 50 of the NDPS Act can be considered only in the trial, not at the stage of considering the bail petition. Therefore, this Court is of the considered view that the compliance or non-compliance; adequate or substantial compliance of the mandatory procedures contemplated under Sections 42 and 50 of the NDPS Act cannot be now considered and this questioned has to be decided only at the time of trial, as such, this ground raised by the petitioners for bail is rejected.

22.The next common ground raised by most of the petitioners is that the petitioners are arrayed as accused based on the confession statement recorded from the co-accused. The confession given to the police is not admissible in evidence, not only against the maker of the statement but also against the co-accused as well.



23.Learned Counsel representing the petitioners relied upon the judgment of the Hon'ble Supreme Court in **Tofan Singh v. State of Tamil Nadu** reported in (2021) 4 SCC 1 and the orders passed by this Court in **Kumar @ Ranjithkumar v. State** reported in 2019 (2) MWN (Cr.) 242 and in **Crl.OP(MD)No.15707 of 2019, dated 12.12.2019**. By referring the above decisions, the learned Counsel submitted that except the alleged confession by the co-accused, there is absolutely no other material available as against the petitioners. No seizure was effected from the petitioners.

24.A learned Single Judge of this Court, in **Kumar @ Ranjithkumar's** case (referred to supra), by following various decisions laid down by the Hon'ble Supreme Court, has held as follows:

"12.A careful reading of the above judgments makes it very clear that a confession can be made admissible in evidence under Section 67 of the Act as a substantive evidence as against the maker of the statement. But, in respect of the co-accused, the said statement can never be treated as a substantive evidence. At the most, it can be considered as a relevant evidence under Section 30 of the Indian Evidence Act. On the touch stone of the law laid down by the Hon'ble Supreme Court, the confession of the co-accused can, at the best, be used or utilized in order to lend assurance to the Court. In the absence of a substantive evidence, the Court cannot proceed to convict the accused, purely on the statement of co-accused. In the instant case, the investigation has been completed and a final report has also been filed and the only material that is available against the petitioners is the statement of the co-accused and there is no other material. Under such circumstances, this Court is able to satisfy itself that there are reasonable grounds for believing that the petitioners are not guilty of the offence. That apart, there is no material to show that the petitioners will commit any offence, while on bail.

13.Therefore, this Court is satisfied that the petitioners have fulfilled the twin requirements of Section 37 of the NDPS Act and are therefore, entitled to be granted bail. ..."

25.Following this decision, yet another learned Single Judge of this Court in **Crl.OP(MD)No.15707 of 2019** (referred to supra), has granted bail to the accused, by holding as follows:

"14.Applying the principle laid down above, I can unhesitatingly come to the conclusion that the possibility of the petitioner being convicted is not just bleak but



zero. In other words, there is absolutely no possibility of the petitioner being convicted. ..."

26. Per contra, learned Additional Public Prosecutor has relied upon the order passed by this Court in **Udhayan v. State** [Crl.OP(MD) No.15211 of 2020, dated 30.04.2021], wherein, a learned Single Judge of this Court, while declining the grant of bail, has held as follows:

"34. The aforesaid pronouncement of the High Courts and the Hon'ble Supreme Court makes it clear that,

1.the issue relating to compliance of mandatory procedures under the NDPS Act can be gone into only in the trial and not at the stage of considering the bail

2.If the confessional statement of the co-accused is relevant under section 27 of Indian Evidence Act for the discovery of fact, which led to the implication of the co-accused.

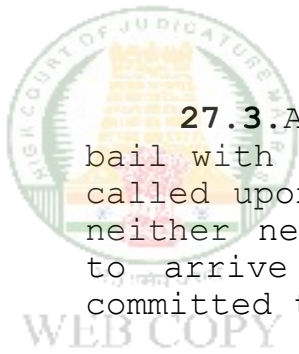
3.Section 35 permits the court to presume the existence of culpable mental state and it is for the accused to prove that he had no such mental state.

4.Section 54 makes it imperative for the accused to account for the possession of any narcotic drug or psychotropic substance or controlled substance otherwise it can be presumed that the accused has committed an offence relating to the things aforesaid."

27.Court's view:

27.1.As discussed above, Section 37 of the NDPS Act stipulates that no person accused of an offence punishable for offences involving commercial quantity shall be released on bail, where the Public Prosecutor opposes the application, unless the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

27.2.A confession, if it is voluntary, truthful, reliable, is an efficacious piece of evidence to establish the guilt of the accused. A confession is admissible in evidence if it leads to a relevant fact. But the confession will have to be proved like any other fact. Before acting on the confession, the law requires some corroboration. Such corroboration not only relate to the factum of the crime, but also as to the connection of the co-accused. Confession, if it is corroborated by any other independent evidence or by any circumstantial character, can be relied on during the trial. The provisions of the Indian Evidence Act do not prevent the Courts from taking into consideration of a confession of an accused against the co-accused.



27.3.As discussed supra, while considering an application for bail with reference to Section 37 of the NDPS Act, the Court is not called upon to record a finding of not guilty. At this stage, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a finding as to whether or not the accused has committed the offence under the NDPS Act.

27.4.The confession statement of the accused is relevant for the purpose of proving the discovery of fact under Section 37 of the Indian Evidence Act. If the involvement of the co-accused is established by the fact discovered, the co-accused can be prosecuted. In fact, a presumption is available under Section 35 of the NDPS Act, as per which, the Court shall presume the existence of culpable mental state of the accused. The culpable mental state, as per the explanation, includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact. The burden is placed upon the accused to prove the fact that he had no such mental state. The degree of burden of proof is beyond reasonable doubt.

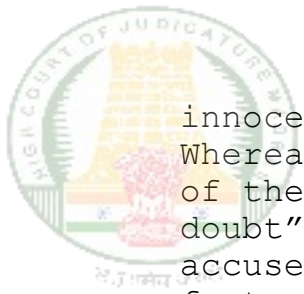
27.5.In **Noor Aga v. State of Punjab**, reported in **(2010) 3 SCC (Cri) 748**, the Hon'ble Supreme Court, while taking a view that Sections 35 and 54 of the NDPS Act may have to be read in the light of Articles 14 and 21 of the Constitution of India, has held as follows:

"Burden of proof

56. The provisions of the Act and the punishment prescribed therein being indisputably stringent flowing from elements such as a heightened standard for bail, absence of any provision for remissions, specific provisions for grant of minimum sentence, enabling provisions granting power to the court to impose fine of more than maximum punishment of Rs 2,00,000 as also the presumption of guilt emerging from possession of narcotic drugs and psychotropic substances, the extent of burden to prove the foundational facts on the prosecution i.e. "proof beyond all reasonable doubt" would be more onerous. A heightened scrutiny test would be necessary to be invoked. ...

...

58. Sections 35 and 54 of the Act, no doubt, raise presumptions with regard to the culpable mental state on the part of the accused as also place the burden of proof in this behalf on the accused; but a bare perusal of the said provision would clearly show that presumption would operate in the trial of the accused only in the event the circumstances contained therein are fully satisfied. An initial burden exists upon the prosecution and only when it stands satisfied, would the legal burden shift. Even then, the standard of proof required for the accused to prove his



innocence is not as high as that of the prosecution. Whereas the standard of proof required to prove the guilt of the accused on the prosecution is "beyond all reasonable doubt" but it is "preponderance of probability" on the accused. If the prosecution fails to prove the foundational facts so as to attract the rigours of Section 35 of the Act, the actus reus which is possession of contraband by the accused cannot be said to have been established."

27.6.If the prosecuting agency has not collected any other material to substantiate the confession of the co-accused, it may not be proper to carry on with such confession statement alone, which can be retracted at any point of time, to deny the bail applications. Therefore, this Court is inclined to entertain the applications, if the investigating agency has not collected any materials other than the confession statement of the co-accused.

28.Yet another common ground was raised by the petitioners as to the possession of contraband. Law recognized two kinds of possession, viz., actual possession and constructive possession. Having direct physical control is actual possession over a thing at a given time. Constructive possession means if the person has control or domain over a thing either directly or through other person(s). The constructive possession may be either sole possession or joint possession as has been held by the Hon'ble Supreme Court in a catena of cases.

28.1.Therefore, there need not be any physical possession, as the possession can also be constructive possession, having power and control over the property. Insofar as NDPS Act is concerned, Section 18 has a reference to the concept of conscious possession. The legislature, while enacting the said law, was absolutely aware of the said element and that the word 'possession' refers to mental state as is noticeable from the language employed in Section 35 of the Act.

29.Apart from the aforesaid grounds of non-compliance of provisions, implication through the confession and the possession of contraband, the petitioners have raised several other grounds as well. Therefore, this Court proceeds to deal with the cases, individually.

30 - Crl.OP(MD)No.1607 of 2021:

1.The petitioner herein is A3 in Crime No.1623 of 2020. The prosecution case is that the defacto complainant, on a secret information, intercepted a two wheeler, bearing registration no.TN-59-CC-0749 at Vellakal Santhipu, Arupukottai Main Road and recovered 2 kg of Ganja from the possession of A1 and A2. From their confession statement, the rest of the accused were identified and 22 kgs of Ganja was recovered from them. In total, 24 kgs of Ganja was



recovered in this case.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no material as against him, except the confession statement of the co-accused. He is in judicial custody from 16.06.2020 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that the quantity of contraband involved in this case is 24 kgs and that the petitioner is having 16 previous cases and all are similar in nature. This is the second bail petition and the earlier petition was dismissed by this Court on 06.07.2021. There is no change in circumstances. Though charge sheet has been filed and taken on file in C.C.No.309 of 2020, the trial is pending, because some of the accused are still absconding.

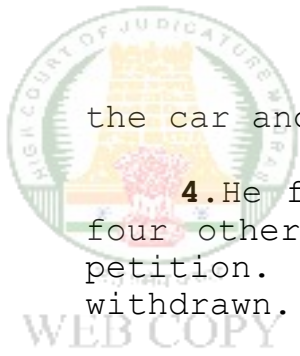
4.Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed. However, considering the fact that the charge sheet has been filed in the year 2020, the trial Court is to complete the trial as expeditiously as possible. If some of the accused are still absconding, the trial Court is to split up the case and to proceed with the remaining accused, in the manner known to law.

31 - Crl.O.P(MD)No.4883 of 2021:

1.The petitioner is an accused in Crime No.14 of 2020. The prosecution case is that based on the secret information, the respondent police reached Thopputhurai Check post and stopped a car bearing Registration No.TN 09 AY 5974. On seeing the police, One Kanagaraj/A1 ran away and when he was apprehended and enquired, he confessed that the said car belongs to this petitioner and there were 10 white bags of Ganja. Further, the petitioner was preceding the Innova car, in another car bearing Registration No.TN 18 S 8866 and the other accused A2, A3 and A4 escorted the Innova car. Therefore, the case came to be registered.

2.Learned Counsel for the petitioner submits this petitioner has been implicated as accused based on the confession statement of A1 and there is no material to connect this petitioner to the alleged offence and the vehicles said to have involved in the offence do not belong to the petitioner.

3.Learned Additional Public Prosecutor submitted that as per the directions of this petitioner, the contraband was transported in a car, which belongs to the petitioner. He has also been preceding



the car and the other accused followed them as escorts in vehicles.

4.He further submitted that the petitioner has also involved in four other similar offences. This is the second anticipatory bail petition. The first anticipatory bail petition was dismissed as withdrawn. This petitioner is still absconding.

5.Considering the facts and circumstances of the case, quantity of the contraband, the antecedent of the petitioner and the fact that the vehicle belongs to the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act.

6.Accordingly, this criminal original petition is dismissed.

32 - Crl.OP(MD)No.5846 of 2021:

1.The petitioner herein is A8 in Crime No.44 of 2020. The prosecution case is that the defacto complainant, on a secret information, went to the house of the first accused on 14.03.2020 at about 06.00 hours. On seeing the police party, A1 and his brother attempted to flee away from the place of occurrence. However, they were apprehended and were found in possession of 37 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no material as against him, except the confession statement of the co-accused. The recovery was made only from A3 and A4 and nothing was recovered from him. A3 was already enlarged on bail. But the petitioner is in judicial custody from 16.06.2020 and therefore, prayed for bail.

3.Learned Additional Public Prosecutor submitted that based on the confession statement of the co-accused, the petitioner was implicated as an accused in this case. The petitioner has purchased the contraband along with A5 and stored in his place. The petitioner is having four previous cases. The trial has also commenced and it is pending for IO examination.

4.Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

33 - Crl.OP(MD)No.6472 of 2021:

1.The petitioner herein is A4 in Crime No.96 of 2021. The prosecution case is that the petitioner and other accused were found in illegal possession of 90 kgs of Ganja.



2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 30.01.2021 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that the petitioner is having nine previous cases to his credit, of which, eight cases are similar in nature. The recovery was made from the petitioner and the petitioner is in the habit of selling Ganja along with his father. The petitioner was also detained under Act 14 of 1982. Except A4 & A5, all other accused are still absconding.

4.Considering the facts and circumstances of the case, the antecedents of the petitioner, the quantity of the contraband and the recovery made from the petitioner and also the fact that he was detained under Act 14 of 1982, this Court is not inclined to grant bail to the petitioner, in view of the provision under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

34 - Crl.OP(MD)No.7823 of 2021:

1.The petitioner herein is A7 in Crime No.38 of 2020. The prosecution case is that the petitioner and other accused were found in illegal possession of 120 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He was implicated only through the confession statement of the co-accused. He is in judicial custody from 17.02.2020 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that though the petitioner was implicated as an accused based on the confession statement of the co-accused, the contraband recovered belongs to the petitioner. The charge sheet has also been filed and taken on file in C.C.No.29 of 2021. Apart from this case, the petitioner is having five other cases. Some of the co-accused are still absconding. This is the third bail application of the petitioner and the earlier two applications filed by him were dismissed. There is no change in circumstances.

4.Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed. However, the trial Court is to expedite the trial and conclude the same as expeditiously as possible.



35 - Crl.OP(MD)No.8596 of 2021:

1.The petitioner herein is A2 in Crime No.909 of 2020. The prosecution case is that on a secret information, the respondent police conducted vehicle check-up and the petitioner and other accused were found in illegal possession of 120 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. But the petitioner is in judicial custody from 17.02.2020 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that the contraband was recovered from a car, in which, the petitioner is one of the occupants. Apart from this case, the petitioner is having ten previous cases of similar in nature. This is the fourth application filed by him. The earlier three applications were dismissed by this Court and without any change in circumstances, he has moved this application.

4.Considering the facts and circumstances of the case, the fact that the petitioner is one of the occupants of the car from which the contraband was recovered, nature of possession, quantity of the contraband and also the antecedent of the petitioner, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

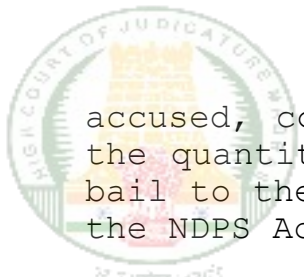
36 - Crl.OP(MD)No.8858 of 2021:

1.The petitioner herein is A8 in Crime No.2361 of 2020. The prosecution case is that on a secret information, the respondent police conducted vehicle check-up and the petitioner and other accused were found in illegal possession of 42 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. Based on the confession statement of the co-accused, the petitioner has been implicated in the case. Investigation has been completed and charge sheet has been filed and taken on file in C.C.No.231 of 2021. The petitioner is in judicial custody from 26.02.2021 and therefore, prayed for bail.

3.Learned Additional Public Prosecutor submitted that totally there are eight accused and the petitioner is arrayed as the eighth accused. He admitted that based on the confession statement of the co-accused, the petitioner was implicated as an accused in this case. Apart from this case, the petitioner is having twelve other cases of IPC offence to his credit.

4.Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-



accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

37 - Crl.OP(MD)No.9164 of 2021:

1.The petitioner herein is A7 in Crime No.526 of 2020. The prosecution case is that on a secret information, the respondent police conducted vehicle check-up and the petitioner and other accused were found in illegal possession of 21 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner is not having any bad antecedent and he is studying B.E. Computer Science. Based on the confession statement of the co-accused, the petitioner has been implicated in the case. Investigation has been completed and charge sheet has been filed and taken on file in C.C.No.147 of 2021. The petitioner is in judicial custody from 09.09.2020 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that the petitioner was arrested on the spot with contraband. He further submitted that this is the third bail petition and the earlier bail petitions were dismissed by this Court. Without any change in circumstances, this application has been filed and therefore, prayed for dismissal.

4.It appears that the defacto complainant has intercepted a car, in which five persons travelled and a bike (rider and a pillion). On inspection, the police found 9 packets, each weighing 2.1 kg of Ganja, from the car and one packet weighing 2.1 kg of Ganja from the bike. Of the five persons in the car, two were apprehended and the remaining three persons managed to escape from the spot. The rider and the pillion of the bike were also apprehended by the police on the spot. The petitioner herein is the pillion. The *modus operandi* of all the accused appears to be one and the same.

5.Considering the quantity of contraband involved, the recovery from the petitioner and the *modus operandi* of the accused, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

38 - Crl.OP(MD)Nos.9655, 9358 & 9665 of 2021:

1.The petitioner, who is an accused in Crime Nos.1135 of 2021, 912 of 2021 on the file of the Kumbakonam West Police Station, Thanjavur District and in Crime No.772 of 2021 on the file of the Ammapet Police Station, Thanjavur District, has filed these



applications for anticipatory bail. The prosecution case is that the petitioner has purchased Ganja on whole sale and distributed to other accused. The quantity of contraband involved in these cases is 26 kg, 26 kg and 22 kg, respectively.

2.It appears that apart from the present cases, the petitioner is having thirty five previous cases to his credit, of which, three are similar in nature.

3.Considering the quantity of contraband involved and the antecedent of the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner, in view of the provision under Section 37 of the NDPS Act. Accordingly, all the three petitions stand dismissed.

39 - Crl.OP(MD)No.9376 of 2021:

1.The petitioner herein is A12 in Crime No.1388 of 2020. The prosecution case is that when the respondent police were on surveillance, they found a group of 15 people with gunny bags in a suspicious manner. On seeing the police party, they attempted to flee away from the place. The respondent police arrested accused nos.1 to 3 and seized 22 kgs of Ganja. On their confession, the rest of the accused were implicated and apprehended.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner is a physically challenged person and a college student. Based on the confession statement of A1 to A3, the petitioner has been implicated in the case. The petitioner is in judicial custody from 13.09.2020 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that the petitioner belongs to B.B.Kulam Gang and he is having one previous case for the offence under Section 307 IPC. He was present in the occurrence place, but, on seeing the police party, he managed to escape. On the confession of the co-accused, he was implicated. His name was also mentioned in the FIR. The investigation was completed and charge sheet was filed and taken on file in C.C.No.120 of 2021. He further submitted that non-bailable warrants of arrest were issued as against the co-accused, since they were absconding.

4.It appears that the petitioner has been implicated through the confession statement of the co-accused. The investigation has been completed, charge sheet has been filed and also taken on file. Other than the confession statement of the co-accused, the investigating agency has not collected any materials to link the petitioner with the alleged occurrence or the other accused or that he was actually present in the spot. The petitioner is admittedly a physically challenged person and according to the investigating



agency, on seeing the police party, he managed to escape from the spot. It is not known as to how the respondent police could not secure a physically challenged person, while they can arrest the main accused. In view of the foregoing discussions and since there is no material other than the confession statement of the co-accused and that the petitioner has not involved in any other offence under the NDPS Act, this Court is of the view that the petitioner has satisfied the twin conditions as per Section 37 of the NDPS Act for grant of bail.

5. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Judge, Principal Special Court for EC & NDPS Act Cases, Madurai, unless his detention / custody is required in connection with any other proceedings.

40 - Crl.OP(MD)No.9995 of 2021:

1. The petitioner herein is A4 in Crime No.58 of 2021. The prosecution case is that during a raid on 01.12.2019, the petitioner and other accused were found in illegal possession of 692 kgs of Ganja.

2. Learned Counsel for the petitioner submitted that the petitioner was already arrested and remanded in judicial custody. He has been implicated only through the confession statement of the co-accused. After the lapse of six months period, he was enlarged on statutory bail by the Special Court under Section 167(2) Cr.P.C. The earlier Counsel has failed to intimate the same to the petitioner in view of the Covid-19 pandemic situation. Therefore, the petitioner failed to furnish the sureties in time. In the meantime, a non-bailable warrant of arrest came to be issued as against the petitioner. The petitioner has filed two applications seeking extension of time and anticipatory bail, which were dismissed by the Court below. Hence, he prayed for appropriate orders.

3. Heard the learned Additional Public Prosecutor appearing for the respondent police as well, who submitted that 692 kgs of Ganja was recovered from an Innova Car in this case and that the petitioner herein is one of the owners of the contraband.

4. For the case registered in the year 2019, the respondent police has not collected any materials linking this petitioner with the other accused. The petitioner was arrested and thereafter, released on statutory bail in the month of June, 2020. Without executing the sureties, he absconded for nearly a year and thereafter, moved an application for extension of time before the same Court and an application for anticipatory bail, which were dismissed on 22.06.2021.



5.Considering the quantity of contraband involved and the conduct of the petitioner in absconding for more than a year, this Court is not inclined to entertain this application for anticipatory bail. Accordingly, this petition stands dismissed.

41 - Crl.OP(MD)No.10248 of 2021:

1.The petitioner herein is A3 in Crime No.1466 of 2020. The prosecution case is that on a secret information, the respondent police conducted vehicle check-up and the petitioner and other accused were found in illegal possession of 22 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. A3 is the mother of A4 and A5. On 06.10.2020, the respondent police called A3 over phone and sought her to be present near Mappillai Vinayagar Theatre for enquiry. Hence, A3 along with her son, A4, went to the said place. The respondent enquired A3 as to whether she is smuggling Ganja. A3 informed him that her sons / A4 & A5 are doing ticket booking travels business in the name of P.R.Travels and ornamental fish aquarium business and there is no necessity to smuggle anything. The respondent made her to call A5 over phone and required him to come for an enquiry. When A5 came to the said place, the respondent took A3 to A5 to the police station and registered the case as if they smuggled Ganja along with A1 and A2. They are inside the prison from 05.10.2020 and therefore, prayed for grant of bail.

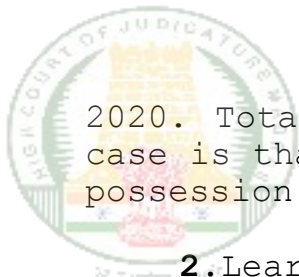
3.Learned Additional Public Prosecutor submitted that A1 as a rider and A2 as a pillion travelled in a bike, from which, 11 kgs of Ganja was recovered. Similarly, A5 as a rider and A3 as a pillion travelled in another bike, from which, another 11 kgs of Ganja was recovered. A4 escorted the bikes. The *modus operandi* of all the accused are one and the same and the contraband was recovered and all the accused were arrested on the spot. Investigation was completed and charge sheet was filed and taken on file in C.C.No.16 of 2021.

4.Though the petitioner is claiming that she was called by the respondent police for an enquiry and a false case was foisted as against her, she has not produced any *prima facie* materials to substantiate her case.

5.Considering the quantity of contraband involved, the recovery from the petitioner and the *modus operandi* of the accused, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

42 - Crl.OP(MD)Nos.10286 & 10290 of 2021:

1.The petitioners herein are A2, A3 & A4 in Crime No.912 of
<https://hcservices.ecourts.gov.in/hcservices/>



2020. Totally there are nine accused in this case. The prosecution case is that the petitioners and other accused were found in illegal possession of 22.50 kgs of Ganja.

2.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. A6 was already enlarged on bail by the Special Court. There is no recovery from A4. The petitioners are inside the prison from 01.07.2021. Therefore, he prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that all the accused persons were arrested along with the contraband. A2 is having three previous cases, of which, one is similar in nature. A3 is having two previous cases of IPC offence. A4 is having six previous cases, of which, one is similar in nature.

4.Considering the facts and circumstances of the case, the antecedents of the petitioners and the quantity of contraband, this Court is not inclined to grant bail to the petitioners, in view of the provisions under Section 37 of the NDPS Act. Accordingly, the petitions stand dismissed.

43 - Crl.OP(MD)No.10293 of 2021:

1.The petitioner herein is A1 in Crime No.288 of 2021. The prosecution case is that the petitioner was found in illegal possession of 22 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. But the petitioner is in judicial custody from 02.05.2021 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that there are three accused in this case and the petitioner is the first accused. The petitioner was arrested along with the contraband. This is the second bail application and the earlier application filed by the petitioner was dismissed. Without any change in circumstances, the petitioner has moved this second application. The petitioner is not having any previous case.

4.Considering the facts and circumstances of the case, the quantity of contraband involved and also the recovery made from the petitioner, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

44 - Crl.OP(MD)No.10599 of 2021:

1.The petitioner herein is A2 in Crime No.668 of 2020. The prosecution case is that on 13.06.2021, at about 07.00 hours, on a



secret information, the respondent police conducted vehicle check-up and found that the petitioner and other accused were in illegal possession of 190 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner has been taken from his house in the early morning hours on 13.06.2021 by the respondent police and a false case has been foisted as against him. He has also relied upon the CCTV footage and produced some photographs before this Court. In this regard, the petitioner's mother has also filed an application as against the investigating agency for change of investigation, by referring the manner of arrest. The petitioner is in prison from 13.06.2021 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are 11 accused in this case and the petitioner is the second accused. On the date of occurrence, A3 and A4 drove an Auto Rickshaw, which was escorted by A1 and A2 through a Bike. The respondent police recovered 30 bundles, each bundle weighing 2 kgs of Ganja, from the Auto. As per the confession statement, they made a search at the house of A6 and seized 65 bundles, each bundle weighing 2 kgs of Ganja. The investigation reveals that A4 and A6 are close relatives and the contraband seized from A6's house belongs to A4. Apart from this case, the petitioner is having three previous cases of IPC offence. Therefore, he prayed for dismissal.

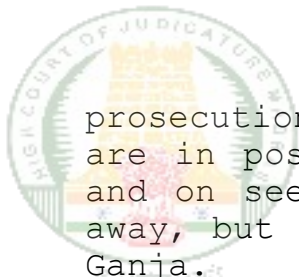
4.The petitioner has raised two grounds. The first ground is the manner of arrest. According to the prosecution, the petitioner was arrested in the presence of the VAO at about 08.00 am at Periyar Nagar Junction. But according to the petitioner, he was arrested in the early morning hours from his house and he has produced the CCTV footages in a pen drive. The truth or otherwise and the veracity of the said footage cannot be ascertained by this Court at this stage.

5.With regard to the second ground, ie., the application filed by the petitioner's mother seeking transfer of investigation, it appears that the petitioner was remanded on 13.06.2021, whereas, the petitioner's mother has made an representation only on 05.07.2021. Therefore, on the aforesaid grounds, coupled with the quantity of the contraband, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act.

6.Accordingly, this application stands dismissed. However, the investigation agency is expected to conduct the investigation in a fair and proper manner as to the manner of arrest.

45 - Crl.OP(MD)No.10831 of 2021:

1.The petitioner herein is A2 in Crime No.16 of 2021. The <https://hcservices.ecourts.gov.in/hcservices/>



prosecution case is that on a secret information that the accused are in possession of Ganja, the police officials went to the spot and on seeing the police party, the accused persons tried to flee away, but the police officials nabbed them and seized 27.900 kgs of Ganja.

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2. Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. But the petitioner is in judicial custody from 05.02.2021. The entire contraband was seized from the first accused and no contraband was seized from the petitioner. However, the respondent police has wrongly stated that 12.640 kgs of Ganja was seized from the petitioner. The petitioner is not having any bad antecedent and therefore, he prayed for grant of bail.

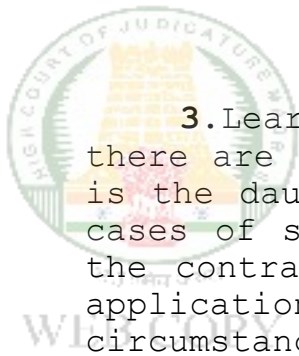
3. Learned Additional Public Prosecutor submitted that there are two accused in this case and the petitioner is the second accused. The petitioner was found in possession of 12.640 kgs of Ganja at the time of arrest and the first accused was found in possession of 15.260 kgs of Ganja. This is the second bail application and the earlier application filed by the petitioner was dismissed. Without any change in circumstances, the petitioner has moved this second application. Apart from this case, the petitioner is having two previous cases of IPC offence.

4. Considering the facts and circumstances of the case, the petitioner's antecedent and also the nexus between the petitioner and the other accused, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

46 - Crl.OP(MD)No.10950 of 2021:

1. The petitioner herein is A2 in Crime No.141 of 2021. The prosecution case is that the respondent police, on a secret information as to the sale of Ganja at Darrance Street, Peraiyur Road, Usilampatti, went for surveillance and found that the petitioner and other accused were carrying a bag. On seeing the police party, they attempted to run away, however, they were nabbed and the police officials seized 2 kgs of Ganja from them. On enquiry, it was found that they stocked 21.300 kgs of Ganja in a car, which was also seized.

2. Learned Counsel for the petitioner, after some arguments, submitted that charge sheet has been filed and taken on file. The entire prosecution evidence has been examined and the investigation officer was also examined and the case is now at the stage of questioning under Section 313 Cr.P.C. Therefore, he requested this Court for early disposal of the trial.



3.Learned Additional Public Prosecutor submitted that totally there are two accused and the petitioner is the second accused. She is the daughter of the first accused, who is having eight previous cases of similar in nature. The petitioner was arrested along with the contraband. This is her third application and the earlier two applications were dismissed by this Court. Without any change in circumstances, she has moved this application.

4.Considering the facts and circumstances of the case, quantity of the contraband and the recovery made from her, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed, however, with a direction to the trial Court to conclude the trial as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order.

47 - Crl.OP(MD)No.11052 of 2021:

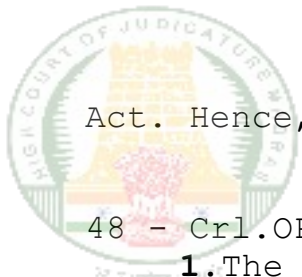
1.The petitioners herein are A4 & A5 in Crime No.169 of 2021. The prosecution case is that the respondent police, on a secret information, conducted vehicle check-up and found that the petitioner and other accused illegally transported 21 Kgs of Ganja.

2.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. The contraband was recovered from A1 and A3. Based on the confession statement of A1, the petitioners have been implicated in this case. Though the contraband was said to be recovered on 20.05.2021, it was produced before the concerned Court only on 19.07.2021. The petitioners are inside the prison from 20.05.2021. Therefore, the learned Counsel prayed for grant of bail.

3.Heard the learned Additional Public Prosecutor appearing for the respondent police as well, who submitted that the petitioners were arrested on the spot along with contraband. Apart from this case, the first petitioner is having eight previous cases of IPC offence and that the second petitioner is not having any bad antecedent.

4.From the First Information Report, it appears that A1 as a rider and A2 as a pillion travelled in a bike, from which, a sack with 11 kgs of Ganja was recovered. Similarly, A3 as a rider and A4 & A5 as pillion travelled in another bike, from which, a sack with 10 kgs of Ganja was recovered. The *modus operandi* of all the accused are one and the same and the contraband was recovered and all the accused were arrested on the spot.

5.Considering the quantity of contraband involved, the recovery from the petitioners, their antecedents and the *modus operandi* of the accused, this Court is not inclined to grant bail to the petitioners, in view of the provisions under Section 37 of the NDPS



Act. Hence, this petition stands dismissed.

48 - Crl.OP(MD)No.11143 of 2021:

1.The petitioner herein is A3 in Crime No.367 of 2020. The prosecution case is that on 29.07.2020 at about 08.00 am, at Rastha Village, Sankarankovil Main Road, Tirunelveli, the respondent police found that the accused persons came in an Auto with the possession of plastic bag containing Ganja weighing about 14 kgs for retail sale. On the confession statement of the co-accused, the petitioner was arrested and contraband weighing about 8 kgs was recovered from him.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner has been implicated through the confession statement of the co-accused. The investigation has been completed and final report has also been filed. The petitioner is inside the prison from 31.07.2020 and therefore, prayed for bail.

3.Learned Additional Public Prosecutor submitted that totally there are three accused and the petitioner is the third accused. On the confession statement of the accused nos.1 & 2, the petitioner was implicated as an accused. Four bundles were seized from the petitioner, each weighing 2 kgs of Ganja. This is the fourth application filed by the petitioner and the earlier applications were dismissed by this Court. Without any change in circumstances, he has moved this application.

4.Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the recovery of the contraband from the petitioner, coupled with the quantity of the contraband involved, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed. However, considering the period of incarceration, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible.

49 - Crl.OP(MD)No.11398 of 2021:

1.The petitioner herein is A11 in Crime No.1453 of 2020. The prosecution case is that on 10.11.2020 at 14.15 hours, the respondent police, on a secret information, conducted vehicle check-up and found that 332 kgs of Ganja was illegally transported in a Echer Container, bearing reg.no.TN-38-BC-2506. Based on the statement of the Driver / A1, the petitioner was roped-in as accused.

2.Learned Counsel for the petitioner submitted that the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no recovery from the petitioner and he has been implicated only through the confession statement of the co-accused. The petitioner is inside the prison from 14.01.2021 and therefore, prayed for grant of bail.

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3. Learned Additional Public Prosecutor submitted that totally there are eleven accused and the petitioner / All went to Andhra Pradesh and procured Ganja from there. Apart from this case, the petitioner is having three other cases, of which, two are for the offence under Section 302 IPC. He further submitted that the investigation has been completed and charge sheet has been filed.

4. Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Accordingly, this petition stands dismissed.

5. At this juncture, the learned Counsel for the petitioner requested this Court to direct the trial Court to conclude the trial and dispose of the same at the earliest. Considering the said request and the period of incarceration, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible. If the trial is stalled in view of the abscondance of any of the accused, the trial Court is to split the case and conclude the same as early as possible.

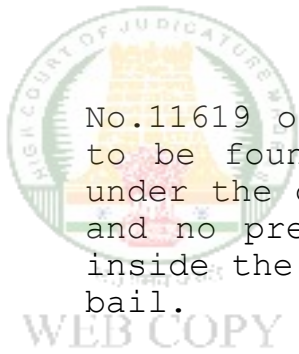
50 - Crl.OP(MD)Nos.11463 & 11619 of 2021:

1. The petitioners herein are A3, A4 & A5 in Crime No.70 of 2021. The prosecution case is that the accused persons were found in possession of 23 kgs of Ganja.

2. Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution.

3. Apart from the above, learned Counsel for the petitioner in Crl.OP(MD)No.11463 of 2021 / A3 submitted that no previous case is pending against the petitioner. As per the allegation in the FIR, on the date of occurrence, the petitioner along with four others jointly possessed 23 kgs of Ganja, in which, the petitioner was found in possession of 4 kgs of Ganja. The petitioner is a fisherman and he was invited by accused nos.1 & 2 for fishing, as they possessed due permission for fishing from the authorities concerned. The petitioner does not possess any contraband. He is in judicial custody from 23.04.2021 and therefore, prayed for grant of bail.

4. Similarly, learned Counsel for the petitioners in Crl.OP(MD)
<https://hcservices.ecourts.gov.in/hcservices/>



No.11619 of 2021 / A4 & A5 submitted that each petitioner was said to be found in possession of 4 kgs of Ganja, which does not fall under the commercial quantity. The second petitioner is 18 years old and no previous case is pending against the petitioners. They are inside the prison from 23.04.2021 and therefore, prayed for grant of bail.

5.Learned Additional Public Prosecutor submitted that this is the third bail petition and the very same grounds have been raised in the earlier petitions. This Court has considered all the points raised and dismissed the earlier bail petitions and there is no change in circumstances.

6.Considering the facts and circumstances of the case, quantity of contraband seized, the provision laid down under Section 37 of the NDPS Act and that there is no change in circumstances since the dismissal of the earlier applications, this Court is not inclined to grant bail to the petitioners. Hence, these petitions stand dismissed.

51 - Crl.OP(MD)No.11466 of 2021:

1.The petitioner herein is A4 in Crime No.345 of 2020. The prosecution case is that on 15.08.2020 at 08.45 hours, the defacto complainant, on a secret information, conducted vehicle check-up and found that 25.235 kgs of Charas (Ganja Silver) was illegally transported by the accused.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The alleged contraband is recovered from the co-accused. There is no recovery from the petitioner and he has been implicated only through the confession statement of the co-accused. The petitioner is inside the prison from 02.12.2020 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are four accused. A1 & A2 were arrested by Tiruchendur Police in connection with a case in Crime No.345 of 2020 on 15.08.2020 and on their confession statement, the petitioner was implicated in this case. He further submitted that the case was now transferred to NIB CID and they have collected call details linking this petitioner / A4 with the accused nos.1 & 2, which would expose the nexus between them. The investigation is completed and charge sheet also filed and taken on file in C.C.No.99 of 2021. This is the second application and the petitioner withdrew the earlier application filed by him, when the Court was about to dismiss the same.

4.Learned Counsel for the petitioner intervened and submitted that the petitioner is in fact a friend of the accused nos.1 & 2 and therefore, there may be frequent call conversations among them. But



that by itself is not sufficient to implicate the petitioner in this case.

5.This Court, at this juncture, cannot go into the veracity of the aforesaid contention of the petitioner. The fact remains that the petitioner is a friend of the main accused and was in frequent contact with them, from whom, 25.235 kgs of Charas was recovered.

6.Considering the quantity of the contraband involved, the *prima facie* materials collected so far as against the petitioner, ie., the call details and in view of the provision under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. Hence, this petition stands dismissed. However, considering the period of incarceration, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible.

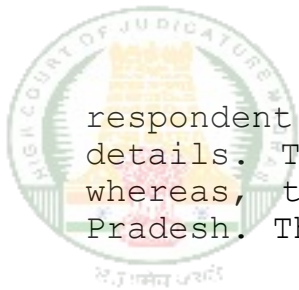
7.At this juncture, the learned Counsel for the petitioner requested this Court to direct the trial Court to conclude the trial and dispose of the same at the earliest. Considering the said request and the period of incarceration, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible. If the trial is stalled in view of the abscondance of any of the accused, the trial Court is to split the case and conclude the same as early as possible.

52 - Crl.OP(MD)No.11497 of 2021:

1.The petitioner herein is A3 in NCB No.48/1/03/2021/NCB/MDU. The prosecution case is that the accused persons were found in possession of 201 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The alleged contraband is recovered from the co-accused. There is no recovery from the petitioner and he has been implicated only through the confession statement of the co-accused. The petitioner is inside the prison from 08.04.2021 and therefore, prayed for grant of bail.

3.Learned Special Public Prosecutor for Narcotics Control Bureau submitted that based on the confession statement given by A1, the petitioner has been implicated in this case. The petitioner was served with summons and he appeared and gave a voluntary confession statement. The petitioner admitted that he procured Ganja from one Rakhi of Andra Pradesh and the consignment was meant for one Raghu, Srilankan, who is absconding. The call details of the petitioner was collected and he was in constant touch with the main accused. The investigation revealed that the petitioner was involved in another case in Andra Pradesh and was arrested and remanded for some time. He was having frequent contact with eight Srilankans and the



respondent has sent letters to service providers for the call details. The family of the petitioner is residing at Usilampatti, whereas, the petitioner is having a family ration card at Andhra Pradesh. The investigation is yet to be completed.

4. Though a plea has been taken that the petitioner has been roped-in based on the confession statement of the co-accused, considering the *prima facie* materials collected so far, ie., the call details, place of residence and coupled with the quantity of contraband involved, this Court is not inclined to grant bail to the petitioner, in view of the provision under Section 37 of the NDPS Act. Accordingly, this petition stands dismissed. This Court places on record its appreciation to the investigating agency for the manner in which the investigation has been conducted.

53 - Crl.OP(MD)No.11562 of 2021:

1. The petitioner herein is A4 in Crime No.4 of 2021. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup at Junction point of Chintamani Road and Bamnan Road in Madurai, on 03.01.2021 around 08.15 am. On seeing the police party, four persons coming in two motorcycles turned their bikes and attempted to flee away from the spot. The police party intercepted and nabbed them and on inspection, found 30 kgs of Ganja (15 kgs of Ganja from each motorcycle) in their possession.

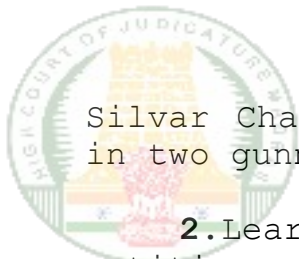
2. Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner was taken away by the respondent police from his house on 02.01.2021 at midnight, while he was sleeping and a false case has been foisted as against him.

3. Learned Additional Public Prosecutor submitted that the investigation has been completed and they are about to file the final report. He further submitted that apart from this case, the petitioner is having five other cases to his credit.

4. Considering the quantity of contraband involved, the recovery made from the petitioner and his antecedents, this Court is not inclined to grant bail to the petitioner, in view of the provision under Section 37 of the NDPS Act. Accordingly, this petition stands dismissed. However, considering the period of incarceration, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible.

54 - Crl.OP(MD)No.11565 of 2021:

1. The petitioner herein is A1 in Crime No.18 of 2021. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup near Thiruchendur Paramankurichi Road, Avudaiyaar Kulam and seized 48 pockets of



Silvar Charas, a derivative from Ganja, weighing about 23.235 Kgs, in two gunny bags, from the accused. Hence, the complaint.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner is inside the prison for more than 400 days, ie., from 15.08.2020. Hence, he prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that the petitioner was arrested on the spot and the contraband was recovered from him. Apart from this case, the petitioner is having four other cases to his credit, of which, two are for prohibition offences and two are for IPC offences.

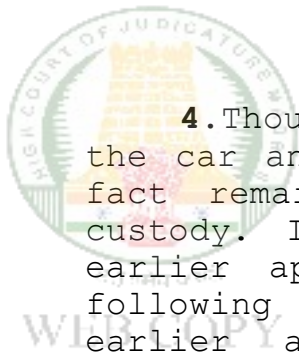
4.Considering the quantity of contraband involved, the recovery made from the petitioner and his antecedent, this Court is not inclined to grant bail to the petitioner, in view of the provision under Section 37 of the NDPS Act. Accordingly, this petition stands dismissed.

55 - Crl.OP(MD)No.11616 of 2021:

1.The petitioner herein is A4 in Crime No.1403 of 2020. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup at Mudakku Salai, Theni Main Road, Madurai, on 20.09.2020 around 02.45 pm and found that the accused persons illegally transported two bags of Ganja, each weighing about 15 kgs.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner is a Driver by profession. He used to go as acting Driver to the needy persons. Earlier, A1 engaged him to drive his car to take his wife to maternity hospital, when she was pregnant. As such, the petitioner drove the vehicle of A1 several times. A1 asked the petitioner to drive the car to Kurtralam and therefore, he went to Kurtralam. He was not aware of the contraband in the car. Furthermore, the petitioner was arrested even prior to the occurrence and the same was even published in the newspaper and thereafter, the case has been foisted as against the petitioner.

3.Learned Additional Public Prosecutor submitted that this is the second bail application and the very same grounds have been raised in the earlier application filed by the petitioner, which was considered and dismissed by this Court. Without any change in circumstances, the petitioner has moved the second application. The petitioner is not having any bad antecedent.



4. Though the petitioner is claiming that he is the Driver of the car and is not aware of the contraband found in the car, the fact remains that the contraband has been recovered from his custody. It appears that the very same plea was raised in the earlier application and it was rejected by this Court and by following the provision under Section 37 of the NDPS Act, the earlier application was dismissed. There is no change in circumstances. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this petition stands dismissed.

56 - Crl.OP(MD)Nos.11623, 13423 & 13484 of 2021:

1. The petitioners herein are A3, A2 & A1 in Crime No.400 of 2021. The prosecution case is that the respondent police, on a secret information, conducted ride at Athi Nagar on 28.05.2021 and at that time, they found three persons standing in a suspicious manner with three gunny bags. On seeing the police party, two persons ran away from the spot by throwing their gunny bags and the respondent police nabbed the third person / A1. They found that each gunny bag was having 7 kgs of Ganja, totalling 21 kgs of Ganja.

2. Learned Counsel for the petitioners / A2 & A3 submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. The petitioners were implicated based on the confession statement of the co-accused. Even according to the prosecution case, the petitioners are having 7 kgs of contraband each, which is not a commercial quantity and therefore, Section 37 of the NDPS Act will not apply. Therefore, the learned Counsel prayed for grant of bail.

3. Learned Counsel for the petitioner / A1 submitted that the petitioner was not at all present at the place of occurrence and as such, he did not give any confession statement before the respondent police.

4. Learned Additional Public Prosecutor submitted that totally there are three accused in this case. All the accused are before this Court. This is the second bail application for A2 & A3 and the earlier applications were dismissed by this Court. Without any change in circumstances, they have moved these applications. The *modus operandi* of all the three accused are one and the same.

5. A1 was arrested on the spot along with the contraband. A2 & A3 were also present in the scene of occurrence, however, they were identified through A1's confession. The investigation is in the crucial stage and other materials are yet to be recovered. Apart from this case, A2 is having two other cases to his credit and A1 is having one previous case to his credit.

6. Considering the stage of investigation, the quantity of the contraband involved, the *modus operandi* of the accused, the recovery



of contraband from A1 and that there is no change in circumstances since the dismissal of the earlier applications of A2 & A3, this Court is not inclined to grant bail to the petitioners. Accordingly, these petitions stand dismissed.

57 - Crl.OP(MD)Nos.11873 & 13813 of 2021:

1.The petitioners are A1 & A2 in Crime No.10 of 2021. The prosecution case is that the respondent police, on a secret information, conducted ride on 11.04.2021 and found that the accused persons are illegally transporting 3 kgs of Hashish Oil.

2.Learned Counsel for the petitioners submitted that the petitioners are innocents and have not committed any offence as alleged by the prosecution. Though the petitioners are said to have been nabbed and contraband was also said to have been recovered from them in the street, no independent witnesses have been examined. They are in judicial custody from 12.04.2021 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that the contraband involved in this case is 3 kgs of Hashish Oil, which is a commercial quantity. Therefore, Section 37 of the NDPS Act will come into play and therefore, he prayed for dismissal. This is the second application filed by the petitioners. The earlier application filed by them was dismissed by this Court and without any change in circumstances, the present applications have been filed.

4.Considering the quantity of the contraband involved and the fact that the petitioners have been arrested on the spot, the recovery of contraband from them and the quantity of contraband involved, this Court is not inclined to grant bail to the petitioners, in view of the provision under Section 37 of the NDPS Act. Accordingly, these petitions stand dismissed.

58 - Crl.OP(MD)No.12072 of 2021:

1.The petitioner herein is A3 in Crime No.4 of 2021. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup at Sindhamani - Pamban Junction, Madurai on 03.01.2021 and intercepted two motorcycles bearing registration nos.TN-64-U-2270 and TN-59-BP-7740. On inspection, they found that the pillion riders were holding a gunny bag and each bag is having 15 kgs of Ganja, totalling 30 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. Even according to the prosecution case, the petitioner is having 15 kgs of contraband, which is not a commercial quantity and therefore, Section 37 of the NDPS Act will not apply. Therefore, he prayed for grant of bail.



3.Learned Additional Public Prosecutor submitted that totally there are four accused in this case. The petitioner is arrayed as A3. This is the second bail application and the petitioner has withdrew the earlier application, when the Court was about to dismiss the same. Without any change in circumstances, the petitioner has moved this application. The *modus operandi* of the accused are one and the same. Apart from this case, the petitioner is having five other cases to his credit. The investigation has been completed and charge sheet has been filed and taken on file in C.C.No.280 of 2021.

4.Considering the quantity of the contraband involved, recovery made from the petitioner, his antecedents, the *modus operandi* of the accused and that there is no change in circumstances since the dismissal of the earlier application, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, this petition stands dismissed.

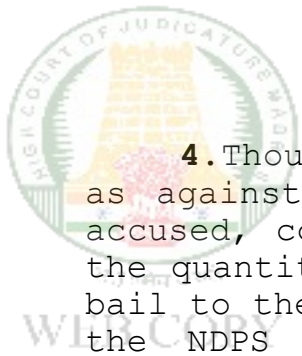
5.At this juncture, learned Counsel for the petitioner submitted that the petitioner is languishing inside the prison for the past nine months and therefore, sought for a direction to the trial Court to expedite the trial. Considering the said request and the period of incarceration, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible.

59 - Crl.OP(MD)No.12613 of 2021:

1.The petitioner herein is A2 in Crime No.172 of 2021. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup and intercepted two cars and one motorcycle. On inspection, they found five gunny bags with 30 kgs of Ganja each and one another gunny bag with 26 kgs of Ganja, totally 176 kgs of Ganja were seized.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. Based on the confession statement of the co-accused, the petitioner was arrayed as accused. Other than the confession statement, there is no other material as against the petitioner. He is in judicial custody from 22.09.2020 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are five accused in this case and the petitioner is arrayed as A2. The petitioner is present in the occurrence place. On seeing the police party, the accused persons attempted to escape and the police party have nabbed the first accused alone. On his confession, the other accused were apprehended. Apart from this case, the petitioner is having two previous cases to his credit, of similar in nature and both of them ended in conviction.



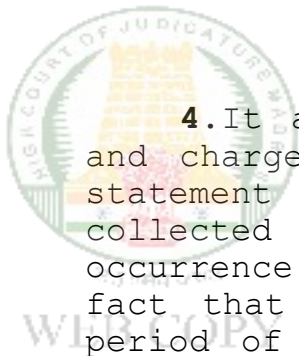
4. Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed. However, considering the period of incarceration, the trial Court is directed to expedite the trial and conclude the same as expeditiously as possible.

60 - Crl.OP(MD)No.12679 of 2021:

1. The petitioner herein is A1 in Crime No.432 of 2020. The prosecution case is that on a secret information, a Special Team was formed and the Special Team made a search at Mangudi near Ayyanar Temple on 08.07.2020 and arrested A3, A4 to A9 & A10. They have also seized 11 parcels, each weighing 2 kgs of Ganja and dangerous weapons. A3 voluntarily gave a confession statement that they assembled together to commit Dacoity and to cause death to one Pattatrai Karthi, Ranjith and Senthil Pandi, who are the enemies of one Murugan, the husband of the petitioner. On the confession statement of the co-accused, the petitioner's name was implicated and was apprehended.

2. Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no material as against her, except the confession statement of the co-accused. She was not present in the place of occurrence and nothing was recovered from her. Since the petitioner happens to be the wife of one Murugan, she has been roped-in in this case. She is the only breadwinner of her family and she has to take care of her 3 ½ years old child. She is not having any previous case to her credit. Therefore, the learned Counsel prayed for grant of bail.

3. Learned Additional Public Prosecutor submitted that totally there are fifteen accused in this case and the petitioner is the first accused. The petitioner purchased the entire contraband and distributed the same for sale. The petitioner's husband Murugan wanted to murder his rival gang and in order to execute the same, the petitioner engaged the other accused and to raise the funds, she directed one Nagappan to hand over the Ganja to other accused persons and to sell the same in retail. He admitted that as on date, the only material available as against the petitioner is the confession statement of the co-accused. The petitioner has been detained under Act 14 of 1982 on 06.09.2020. This is the second bail application and the earlier application was dismissed by this Court on 30.04.2021. The investigation has been completed and charge sheet has been filed on 07.01.2021.



4.It appears that though the investigation has been completed and charge sheet has also been filed, other than the confession statement of the co-accused, the investigating agency has not collected any materials to link the petitioner with the alleged occurrence. In view of the foregoing discussions and considering the fact that the petitioner is not having any bad antecedent, the period of incarceration and that the petitioner is having a 3 ½ years old child, this Court is inclined to grant bail to the petitioner, as she has satisfied the twin conditions as per Section 37 of the NDPS Act to grant bail.

5.Accordingly, this petition is allowed and the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for EC & NDPS Act Cases, Pudukottai, unless her detention / custody is required in connection with any other proceedings.

61 - Crl.OP(MD)No.12804 of 2021:

1.The petitioner herein is A2 in Crime No.750 of 2021. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup and intercepted a motorcycle bearing registration no.TN-51-H-9100. On inspection, they found 20.500 kgs of Ganja in the vehicle. Hence, the complaint.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He is inside the prison from 05.08.2021 and therefore, prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are four accused in this case and the petitioner is arrayed as A2. When the petitioner and A1 was travelling in the two wheeler, they were intercepted and the contraband was seized from them. Apart from this case, the petitioner is having one previous cases to his credit, of similar in nature.

4.Considering the quantity of the contraband involved, the recovery made from the petitioner and his antecedent, this Court is not inclined to grant bail to the petitioner, in view of the provision under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

62 - Crl.OP(MD)Nos.13655 & 13425 of 2021:

1.The petitioners herein are A4 & A5 in Crime No.116 of 2021. The prosecution case is that the respondent police, on a secret information, conducted raid and found 40 kgs of Ganja and also weapons. Hence, the complaint.



2.Learned Counsel for the petitioner / A4 submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no previous case pending against the petitioner. He is inside the prison from 24.03.2021. Hence, he prayed for grant of bail.

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3.Learned Counsel for the petitioner / A5 submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no previous case pending against the petitioner. The petitioner was on his way to Palanganatham, near Alagappa Nagar in his bike and at that time, A1 asked for a lift. Therefore, the petitioner has taken him on his bike. But he has been falsely implicated in his case. He is inside the prison from 24.03.2021. Hence, he prayed for grant of bail.

4.Learned Additional Public Prosecutor submitted that totally there are seven accused in this case and the petitioners are accused nos.4 & 5. The petitioners along with other accused were apprehended along with the contraband. The investigation conducted so far revealed that the accused have planned to commit murder of one Ammaiappan gang members, while coming to attend the court proceedings.

5.Considering the quantity of the contraband involved, the recovery made from the petitioners and also the provision under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioners. Accordingly, these petitions stand dismissed.

63 - Cr1.O.P(MD)No.13426 of 2021:

1.The petitioner is A2 in Crime No.402 of 2021. The prosecution case is that based on a secret information, the defacto complainant intercepted a car bearing registration No.TN 19 E 3151 and on inspection, found that the accused persons were in illegal possession of 21 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He has been implicated based on the confession statement of the co-accused. There is no recovery from this petitioner. He is inside the prison from 01.06.2021 and therefore, prays for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are four accused and the petitioner is arrayed as second accused. The contraband was recovered from the car and at that time, the petitioner travelled in the car. Apart from this case, the petitioner has involved in two other cases, of which, one is similar in nature. This is the second bail petition. The earlier application filed by him was dismissed by this Court. Without any change in circumstances, he has moved this application. The investigation is



not yet completed. Therefore, he prayed for dismissal.

4.Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband and that there is no change in circumstances since the dismissal of the earlier application, this Court is not inclined to grant bail to the petitioner in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

64 - Crl.O.P(MD)No.13502 of 2021:

1.The petitioner is A2 in Crime No.171 of 2021. The prosecution case is that the defacto complainant, based on a secret information, conducted raid and found three persons in a suspicious manner with white sacks. On seeing the police party, A1 ran away from the spot by throwing the white sack and the police party apprehended A2 and A3. On inspection, they found that the accused persons were in illegal possession of 23.300 kgs of Ganja.

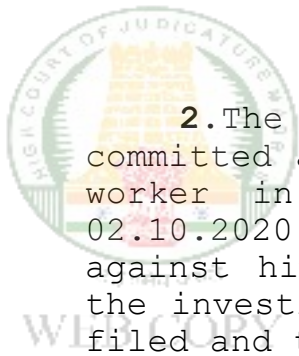
2.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. He was not at all present at the place of occurrence and at the time of alleged occurrence, the petitioner was along with his family in his house and there are CCTV footages available to that effect. Therefore, he prayed for grant of bail to the petitioner.

3.Learned Additional Public Prosecutor submitted that totally there are three accused in this case and this petitioner is arrayed as second accused. The petitioner was arrested on the spot and contraband was recovered from him, which was meant for sale. Apart from this case, the petitioner has involved in three other cases of similar in nature. The investigation is yet to be completed.

4.Though the petitioner has raised a plea that he was in some other place at the time of occurrence, he has not produced anything to substantiate the same. Considering the quantity of the contraband involved, the recovery of the contraband from the petitioner and his antecedent, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Accordingly, this petition is dismissed.

65 - Crl.OP(MD)No.13518 of 2021:

1.The petitioner herein is A2 in Crime No.1451 of 2020. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup and intercepted a car bearing registration no.TN-07-AW-0955. On inspection, they found 32 kgs of Ganja in the vehicle. Hence, the complaint.



2.The petitioner's case is that he is an innocent and has not committed any offence as alleged by the prosecution. He is a Coolie worker in a vegetable market. He is inside the prison from 02.10.2020. After the remand, a detention order was passed as against him, which was later set aside by the Advisory Board. Now the investigation has been completed and charge sheet has also been filed and taken on file as C.C.No.346 of 2020.

3.Learned Additional Public Prosecutor submitted that totally there are five accused in this case and the petitioner is arrayed as A2. The petitioner was arrested along with the contraband. This is the third application filed by the petitioner and the earlier applications filed by him were dismissed by this Court. Without any change in circumstances, the petitioner has moved this application. Apart from this case, the petitioner is having two previous cases to his credit, of similar in nature.

4.Considering the quantity of the contraband involved, the recovery made from the petitioner, his antecedent and that there is no change in circumstances since the dismissal of the earlier applications, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Accordingly, this petition stands dismissed.

66 - Crl.OP(MD)No.13645 of 2021:

1.The petitioner herein is A5 in Crime No.1012 of 2020. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup at Cumbum Main Road and intercepted a Mahendra Pickup vehicle, a Hundai I20 Car and a two wheeler. On inspection, they found 176 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no recovery from the petitioner. Based on the confession statement of the co-accused alone, the petitioner was implicated in this case. He is inside the prison from 06.01.2021. After the remand, a detention order was passed as against him, which was set aside by this Court in H.C.P.No.382 of 2021, dated 19.08.2021. Hence, he prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are five accused in this case and the petitioner is the fifth accused. Though the petitioner claims that there is no recovery from him, learned Additional Public Prosecutor disputed the same. Apart from this case, the petitioner is having one previous case of similar in nature. Considering the quantity of contraband involved, the case is now transferred to NIB-CID. The investigation conducted so far revealed that the petitioner along with other accused is



selling contraband in Kerala. He further submitted that NIB-CID is intending to file necessary application under Section 173(8) Cr.P.C. for further investigation.

4. Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the antecedent of the petitioner, coupled with the quantity of the contraband and the stage of the investigation, this Court is not inclined to grant bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

67 - Crl.OP(MD)No.13662 of 2021:

1. The petitioner herein is A2 in Crime No.1466 of 2020. The prosecution case is that the respondent police, on a secret information, conducted vehicle checkup and intercepted three motorcycles, bearing registration nos. TN-58-AC-4767, TN-58-BC-9390 and TN-58-AP-6669. On inspection, they found that the accused are in illegal possession of 22 kgs of Ganja [11 kgs of Ganja each from the vehicles TN-58-BC-9390 and TN-58-AP-6669]. Hence, the complaint.

2. Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The petitioner is the mother of the first accused. According to the prosecution, the petitioner travelled along with A1 and she is the pillion rider. From their motorcycle, 11 kgs of Ganja is said to have been seized, which is not a commercial quantity and therefore, Section 37 of the NDPS Act will not apply. Therefore, he prayed for bail.

3. Learned Additional Public Prosecutor submitted that totally there are five accused in this case. The petitioner is arrayed as A2. This is the third bail application and the earlier applications were dismissed by this Court. Without any change in circumstances, the petitioner has moved this application. The *modus operandi* of all the accused are one and the same. The petitioner was arrested along with the contraband. Apart from this case, the petitioner is having 27 previous cases to her credit, of which, 24 cases are similar in nature.

4. Considering the quantity of the contraband involved, the recovery made from the petitioner, her antecedent, the *modus operandi* of the accused, this Court is not inclined to grant bail to the petitioner, in view of the provision under Section 37 of the NDPS Act. Accordingly, this petition stands dismissed.

68 - Crl.OP(MD)No.13664 of 2021:

1. The petitioner herein is A4 in Crime No.16 of 2021. The prosecution case is that the defacto complainant, on a secret information, conducted raid in a shop situated near the Union



Office, South Gate, Cumbum-Kudalur Main Road. On inspection, they found 80 kgs of Ganja in two gunny bags. Hence, the complaint.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. There is no recovery from the petitioner. Only based on the confession statement of the shop owner, the petitioner was implicated in this case. The petitioner was inside the prison from 11.03.2021. The detention order passed as against the petitioner on 05.02.2021 was set aside by this Court in HCP.No.382 of 2021, dated 19.08.2021. Hence, he prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are five accused in this case and the petitioner is the fourth accused. The investigation conducted so far revealed that the petitioner along with the other accused had taken the shop on rental basis that they are going to do milk business. The contraband which was recovered, was hidden inside the shop. Apart from this case, the petitioner is having four previous cases, of which, one is of similar in nature. Considering the quantity of contraband involved, the case is now transferred to NIB-CID and that the NIB-CID is intending to file necessary application under Section 173(8) Cr.P.C. for further investigation.

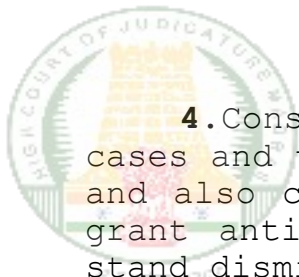
4.Though a plea has been taken that the only material available as against the petitioner is the confession statement of the co-accused, considering the quantity of the contraband, the *modus operandi* of the accused and the stage of the investigation, this Court is not inclined to grant bail to the petitioner at this stage, in view of the provisions under Section 37 of the NDPS Act. Hence, this petition stands dismissed.

69 - Cr1.O.P(MD)Nos.13676, 13677, 13678 and 13679 of 2021:

1.The petitioner, apprehending arrest in Crime No.1453 of 2020, on the file of the Subramaniapuram Police Station, Madurai; in Crime No.2361 of 2020 on the file of the S.S.Colony Police Station, Madurai; in Crime No.96 of 2021 on the file of the Paramakudi Police Station, Ramanathapuram; and in Crime No.97 of 2021 on the file of the Keeraithurai Poilce Station, respectively, has filed these petitions seeking anticipatory bail. The prosecution case is that in each case the petitioner was found in possession of more than 20 kgs of Ganja and therefore, the cases came to be registered.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case.

3.Learned Additional Public Prosecutor submitted that the petitioner has involved in these four similar offences, and that apart he is having 15 other cases to his credit.



4.Considering the quantity of the contraband involved in these cases and the involvement of the petitioner in four similar offences and also considering his antecedent, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, these petitions stand dismissed.

70 - Crl.OP(MD)No.13715 of 2021:

1.The petitioner herein is A1 in Crime No.169 of 2021. The prosecution case is that the defacto complainant, on a secret information, conducted vehicle check-up and intercepted two motorcycles bearing registration nos.TN-58-BX-0356 and TN-58-AS-7255. On seeing the police party, the accused persons attempted to flee away from the place, but, they were nabbed by the police. On inspection, it was found that 21 kgs of Ganja was illegally transported by the accused. Hence, the complaint.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. Even according to the prosecution case, the petitioner is having 11 kgs of contraband, which is not a commercial quantity and therefore, Section 37 of the NDPS Act will not apply. Therefore, he prayed for grant of bail.

3.Learned Additional Public Prosecutor submitted that totally there are five accused in this case. The petitioner is arrayed as A1. A1 and A2 travelled in a two wheeler and similarly, A3 to A5 travelled in a two wheeler. 11 kgs of Ganja was seized from A1 & A2 and 10 kgs of Ganja was seized from A3 to A5, during the vehicle checkup. The *modus operandi* of all the accused are one and the same. Apart from this case, the petitioner is having three other cases of IPC offence to his credit.

4.Considering the quantity of the contraband involved, the recovery made from the petitioner, his antecedent and the *modus operandi* of the accused, this Court is not inclined to grant bail to the petitioner at this stage, in view of the provision under Section 37 of the NDPS Act. Accordingly, this petition stands dismissed.

71 - Crl.OP(MD)No.13817 of 2021:

1.The petitioner herein is A5 in Crime No.526 of 2021. The prosecution case is that the defacto complainant, on a secret information, conducted raid and intercepted a two wheeler bearing registration no.TN-72-BF-2363 and a car bearing registration no.TN-05-AP-7270. On inspection, they found 9 pockets of Ganja from the car and one pocket of Ganja from the bike, each pocket weighing 2.100 kgs of Ganja, totalling 21 kgs of Ganja.

2.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as



alleged by the prosecution. Even according to the prosecution case, from the vehicle [car] in which the petitioner travelled, 9 pockets of Ganja, weighing 2.100 kgs each, were recovered, which is not a commercial quantity and therefore, Section 37 of the NDPS Act will not apply. Therefore, he prayed for grant of bail.

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3.Learned Additional Public Prosecutor submitted that totally there are seven accused in this case. The petitioner is arrayed as A5. A6 drove the two wheeler, in which, A7 was the pillion. A1 drove the car, in which, A2 to A5 travelled. From the two wheeler, one pocket of Ganja, weighing about 2.100 kgs, was recovered. From the car, nine pockets of Ganja, weighing about 2.100 kgs each, were recovered. The *modus operandi* of all the accused are one and the same. All the accused were arrested along with the contraband. Investigation has been completed and charge sheet has been filed and taken on file in C.C.No.147 of 2021.

4.Considering the quantity of the contraband involved, the recovery made from the petitioner, the *modus operandi* of the accused and the provision under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner. Hence, this petition stands dismissed.

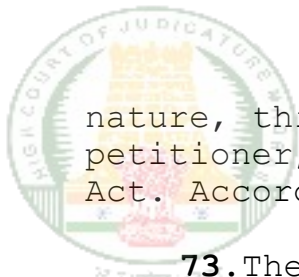
72 - Crl.O.P(MD)No.15739 of 2020:

1.This petitioner is A2 in Crime No.95 of 2020. The prosecution case is that on receipt of a secret information, the respondent police went to a particular place, where two persons were standing with two gunny bags in a suspicious manner. On seeing the Police, one of them fled from there and the other person was apprehended and enquired. Upon enquiry, it was known that he was in illegal possession of 27 kgs of Ganja, which belong to both of them.

2.Learned Counsel for the petitioner submitted that the petitioner has not at all absconded and he was residing in his village only. This petitioner has been arrayed as accused based on the confession statement of the other accused. There is no material to connect this petitioner to the offence and there is no recovery from this petitioner.

3.Learned Additional Public Prosecutor submitted that this petitioner is A2. This petitioner and other accused were possessing Ganja bags weighing 27 kgs and on seeing the respondent police, this petitioner ran away by leaving the Ganja bags and the other accused was arrested. Further this petitioner is having 20 previous cases, of which one is similar in nature. Further, he has been arrested in connection with Crime No.144 of 2021.

4.Considering the facts and circumstances of the case, quantity of Ganja involved in this case, the antecedent of the petitioner that he is involved in 20 other cases, of which, one is similar in



nature, this Court is not inclined to grant anticipatory bail to the petitioner, in view of the provisions under Section 37 of the NDPS Act. Accordingly, this criminal original petition is dismissed.

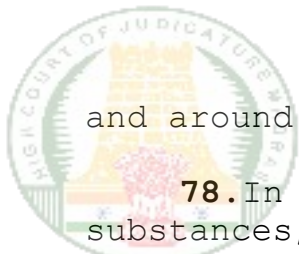
73.There exists a perception that using drugs and alcohol can feel like the perfect way to escape life stressors and other difficult issues. When a person is drunk or high, he may experience positive and euphoric feelings and may feel being ecstasy. At the same time, such substances can dull emotions and make painful feelings disappear temporarily. For this reason, many people end up using substances to cope with emotional pain, bad memories, poor sleep, guilt, shame, anxiety, or terror. Unfortunately, those moments of escape are only temporary and come with many consequences. When a person becomes dependent on a substance, he can feel harder and harder to face the reality without it and becomes addict to it and he could not give up the habit of consuming it. Additionally, once a person became physically dependent, his body can quickly go into withdrawal without the substance, causing immense pain and cravings. Finances, relationships, and personal wellbeing all get sacrificed, while the underlying issues with which the person was struggling tend only to worsen. The escape that the substances provide are temporary, but the costs are permanent. The "cure" for the internal pain, actually creates a much worse problem. In other words, what seemed euphoric and like heaven, can quickly become a personal hell. This is one side of the coin.

74.The other side is the raise in crimes. The drug-crime relationship is of three type, viz., violation of drug laws, crimes motivated under the influence of drug and crimes to rely on the drugs. We are also witnessing the emergence of juvenile crimes, such as chain snatching, sexual abuse and other offences, under the influence of such substances.

75.That is the reason why, and in order to get a clear picture as to the ground reality on the flow of substances, this Court clubbed these petitions, which came for consideration in the last couple of months.

76.This Court has also collected the particulars with regard to the pendency of cases involving commercial quantity of contraband, from the Special Courts for NDPS Act Cases coming within this Court's jurisdiction.

77.Pending these applications before this Court, the Hon'ble Chief Minister of Tamil Nadu, on the Floor of Assembly, has pointed out that within three months 10,673 cases have been registered and 149.43 tonnes of Ganja were seized and has also made an announcement on the Floor that Tamil Nadu Government would amend the Narcotic Drugs and Psychotropic Substances Act, 1985, so as to take stern action against the people peddling drugs like Ganja, Gudka., etc in



and around schools and colleges.

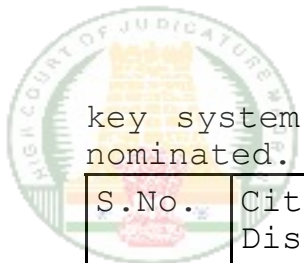
78.In any case involving narcotic drugs and psychotropic substances, there are three factors, viz., seizure, storage and disposal. Of course, the main thing is to nip the bud, ie., preventing the production itself. The substances which are seized have to be stored in somewhere safe and the stored substances have to be destroyed, so as to avoid the pilferage. In this regard, special storage rooms, namely, Malkanas (5 in nos.) have been established as per the Circulars of the Director General of Police in Rc.No.86290/Crime.4(3)/2019, dated 17.05.2019 and Rc.No.016443/Crime.4(3)/2019 dated 19.09.2019. The storage rooms available are as follows:

S.No.	Place of Storage	Address	Units allotted to utilize the Storage Room
1	Chennai	Old Commissioner Office campus, Egmore, Chennai.	Chennai City and North Zone
2	Trichy	City AR Campus, Trichy.	Trichy City and Central Zone (Trichy)
3	Madurai	City AR Campus, Madurai.	Madurai City, Tirunelveli City and South Zone
4	Theni	AR Campus, Theni.	Dindigul Range
5	Coimbatore	Police Quarters Campus, Podanur, Coimbatore City.	Coimbatore City, Tiruppur City, Salem City and West Zone

79.When this Court pointed out certain discrepancies, pending these petitions, the Director General of Police has issued a Circular in Rc.No.187359-1/Crime.4(3)/2015, dated 02.09.2021, in and by which, the police officers are instructed to keep all the case properties relating to NDPS Act in the Malkanas. The relevant portion is extracted as under:

"3.All the unit officers are hereby instructed that all NDPS Act case properties shall be kept in special storage rooms (Malkhana) as mentioned in para 2 supra irrespective of the quantity seized. At any cost no Narcotics and psychotropic substances shall be kept in the Police Station. In the event of return of the property by court, it should be kept in the Special Storage rooms only. If any properties of Narcotics and psychotropic substances seized in old cases kept in the station that should be transferred to the special storage rooms on or before 20.09.2021."

80.Similarly, a Circular in Rc.No.86290-1/Crime.4(3)/2020, dated 02.09.2021, came to be issued, in and by which, triple lock



key system for the Malkanas was introduced and Officers were also nominated. The relevant portion is extracted as under:

S.No.	Cities / District	Officer in-charge of each keys
1	Trichy City	1.Deputy Superintendent of Police, NIB CID 2.Assistant Commissioner of Police, CCRB 3.Assistant Commissioner of Police, CCB
2	Coimbatore City	1.Deputy Superintendent of Police, NIB CID 2.Assistant Commissioner of Police, CCRB 3.Assistant Commissioner of Police, CCB
3	Madurai City	1.Deputy Superintendent of Police, NIB CID 2.Assistant Commissioner of Police, CCRB 3.Assistant Commissioner of Police, CCB
4	Chennai City	1.Assistant Commissioner of Police, NIB CID 2.Assistant Commissioner of Police, CCRB 3.Assistant Commissioner of Police, CCB
5	Theni District	1.Deputy Superintendent of Police, DCRB 2.Deputy Commissioner of Police, PEW 3.Inspector of Police, NIB CID

Further instructions were also issued in the said Circular as follows:

"2.The Commissioners of Police, Chennai, Coimbatore, Madurai and Trichy Cities and Superintendent of Police, Theni District are instructed to issue suitable instructions to the above Police Officers to keep one key each of three locks of the Malkana in their safe custody and ensure the arrival and dispatch of narcotic drugs from the units / Courts wherever necessary. Also ensure the maintenance of the register kept for the purpose in the Malkana with updated entries for in / out of contrabands."

81.Likewise, a Circular in Rc.No.86290/Crime.4(3)/2020, dated 24.09.2021, came to be issued, in any by which, zonal level drug disposal committee was formed as follows:

S.No.	Zones	Drug Disposal Committee Members	
1	North Zone	1.Deputy Inspector General of Police	Chairman
		2.Superintendent of Police	Member
		3.Assistant Director, FSL	Member
2	Central Zone	1.Deputy Inspector General of Police	Chairman
		2.Superintendent of Police	Member
		3.Deputy Commissioner in Trichy City	Member
		4.Assistant Director, FSL	Member



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3	West Zone	1.Deputy Inspector General of Police	Chairman
		2.Superintendent of Police	Member
		3.Deputy Commissioner of Police in Tiruppur / Salem / Coimbatore Cities (Any one)	Member
		4.Assistant Director, FSL	Member
4	South Zone	1.Deputy Inspector General of Police	Chairman
		2.Superintendent of Police	Member
		3.Deputy Commissioner in Madurai City / Tirunelveli City (Any one)	Member
		4.Assistant Director, FSL	Member
5	Chennai City	1.Joint Commissioner of Police	Chairman
		2.Deputy Commissioner of Police, CCB	Member
		3.Assistant Director, FSL	Member

Further instructions were also issued in the Circular as follows:

"2. ... The senior most Deputy Inspector General of Police / Joint Commissioner of Police in each Zone / Chennai City shall be the Chairman of the respective Drug Disposal Committee. Likewise, the senior most Superintendent of Police in Districts and the Deputy Commissioner of Police in Cities of each zone shall function as member(s) of the respective Committee.

3.The Drug Disposal Committee shall:-

- a)meet as frequently as possible and necessary;
- b)conduct a detailed review of seized contrabands pending disposal;
- c)order disposal of seized items as per the directions of the Court; and
- d)advise the respective investigating officers or supervisory officers to take steps for the expeditious disposal."

82.It was also brought to the knowledge of this Court by the learned Additional Public Prosecutor that sufficient strength has been provided to the Crime Wing by way of transfer and posting of police personnel vide Circular in Rc.No.111/08-07/NGB IV(2)/2021, dated 24.09.2021.

83.This Court places on record its wholehearted appreciations for the Government, more particularly, the Director General of Police, the Public Prosecutor, the Additional Public Prosecutor among others, for their earnest efforts in passing the aforesaid Circulars in no time. This Court hopes and trusts that the aforesaid Circulars would be implemented in its letter and spirit.



84.In fine, CRL OP(MD)Nos.9376 and 12679 of 2021 are allowed. Apart from the condition of execution of sureties imposed on these petitioners, the following conditions are also imposed on them:-

[a] the petitioners / sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate / Judge may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 am., until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate / Judge / Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners have been released on bail by the learned Magistrate / Judge / Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

85.In the result,

1.CRL OP(MD)Nos.9376, 12679 of 2021 are allowed;

2.CRL OP(MD)Nos.1607, 5846, 6472, 7823, 8596, 8858, 9164, 10248, 10286, 10290, 10293, 10599, 10831, 10950, 11052, 11143, 11398, 11463, 11619, 11466, 11497, 11562, 11565, 11616, 11623, 11873, 13813, 12072, 12613, 12804, 13423, 13425, 13426, 13484, 13502, 13518, 13645, 13655, 13662, 13664, 13715, 13817, 4883, 9655, 9358, 9665, 9995, 13676, 13677, 13678, 13679 of 2021 and 15739 of 2020 are dismissed; and

3.Pending miscellaneous petitions, if any, shall stand closed.

sd/-

02/11/2021

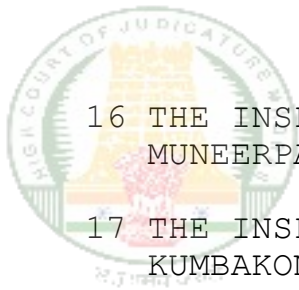
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/ /2021

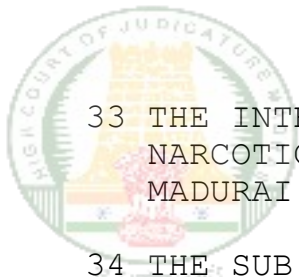
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



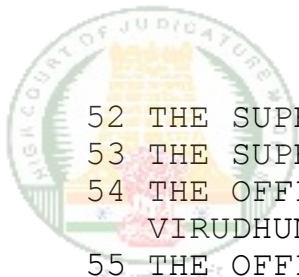
- TO
- 1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.
 - 2 THE JUDGE,
SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI.
 - 3 THE JUDGE,
SPECIAL COURT FOR EC & NDPS ACT CASES,
PUDUKOTTAI.
 - 4 THE II ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.
 - 5 THE ADDITIONAL DISTRICT COURT CUM SPECIAL COURT
FOR EC AND NDPS ACT CASES, MADURAI.
 - 6 THE INSPECTOR OF POLICE
AVAIAPURAM POLICE STATION, MADURAI CITY,
 - 7 THE INSPECTOR OF POLICE
NAGAPATTINAM POLICE STATION, NAGAPATTINAM DISTRICT.
 - 8 THE INSPECTOR OF POLICE
KADALADI POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 9 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 10 THE ADDITIONAL DIRECTOR GENERAL OF POLICE (CRIME),
EGMORE, CHENNAI.
 - 11 THE DIRECTOR GENERAL POLICE
(LAW AND ORDER),
DR.BALAKRISHNAN SALAI,
MYLAPORE, CHENNAI-600 004.
 - 12 THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION, MADURAI DISTRICT.
 - 13 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, THENI DISTRICT.
 - 14 THE INSPECTOR OF POLICE
NIBCID POLICE STATION, THENI DISTRICT.
 - 15 THE INSPECTOR OF POLICE
S. COLOONY POLICE STATION, MADURAI DISTRICT.



- 16 THE INSPECTOR OF POLICE
MUNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT.
- 17 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION, THANJAVUR DISTRICT.
- 18 THE INSPECTOR OF POLICE
KODALPUDUR POLICE STATION, MADURAI DISTRICT.
- 19 THE INSPECTOR OF POLICE
AMMAPET POLICE STATION, THANJAVUR DISTRICT
- 20 INSPECTOR OF POLICE
NIB CID POLICE STATION, NAGAPATTINAM,
NAGAPATTINAM DISTRICT
- 21 THE INSPECTOR OF POLICE
KARIMEDU POLICE STATION, MADURAI.
- 22 THE SUB INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT.
- 23 THE SUB INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR DISTRICT.
- 24 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION, DINDIGUL DISTRICT.
- 25 THE INSPECTOR OF POLICE
AVANIAPURAM POLICE STATION, MADURAI DISTRICT.
- 26 THE INSPECTOR OF POLICE
KOVILANKULAM POLICE STATION, RAMNAD DISTRICT.
- 27 THE INSPECTOR OF POLICE
USILAMPATTY TOWN POLICE STATION, MADURAI DISTRICT.
- 28 THE INSPECTOR OF POLICE
ELUMALAI POLICE STATION, MADURAI DISTRICT
- 29 THE INSPECTOR OF POLICE
MANUR POLICE STATION, TIRUNELVELI DISTRICT.
- 30 THE INSPECTOR OF POLICE
SUBRAMANIPURAM POLICE STATION, MADURAI CITY.
- 31 THE INSPECTOR OF POLICE
THANGACHIMADAM POLICE STATION, RAMANTHAPURAM DISTRICT.
- 32 THE INSPECTOR OF POLICE, NIBCID, THOOTHUKUDI.



- 33 THE INTELLIGENCE OFFICER
NARCOTICS CONTROL BUREAU, MADURAI SUB ZONE,
MADURAI DISTRICT.
- 34 THE SUB INSPECTOR OF POLICE
KEERATHURAI POLICE STATION, MADURAI DISTRICT.
- 35 THE INSPECTOR OF POLICE
C-5 KARIMEDU POLICE STATION, MADURAI CITY.
- 36 THE INSPECTOR OF POLICE
WORAIYUR POLICE STATION, TRICHIRAPPALLI DISTRICT.
- 37 THE INSPECTOR OF POLICE
NIB CID POLICE STATION, THOOTHUKUDI.
- 38 THE INSPECTOR OF POLICE
KEERATHURAI POLICE STATION, MADURAI DISTRICT.
- 39 THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 40 THE SUB INSPECTOR OF POLICE
NAGORE POLICE STATION, NAGAPATTINAM DISTRICT.
- 41 THE INSPECTOR OF POLICE,
SUBRAMANİYAPURAM POLICE STATION, MADURAI CITY.
- 42 THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION, RAMANATHAPURAM
- 43 THE INSPECTOR OF POLICE,
NIB CID, THENI DISTRICT.
- 44 THE INSPECTOR OF POLICE,
SS COLONY POLICE STATION, MADURAI.
- 45 THE INSPECTOR OF POLICE,
KEERAITHURAI POLICE STATION, MADURAI CITY.
- 46 THE INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION, TIRUNELVELI DISTRICT.
- 47 THE INSPECTOR OF POLICE,
CHECKANURANI POLICE STATION, MADURAI DISTRICT
- 48 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 49 THE OFFICER INCHARGE, DISTRICT JAIL, MADURAI.
- 50 THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN, MADURAI.
- 51 THE OFFICER INCHARGE, DISTRICT PRISON RAMANATHAPURAM.



52 THE SUPERINTENDENT,CENTRAL PRISON, PALAYAMKOTTAI.
53 THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
54 THE OFFICER INCHARGE,SUB JAIL, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
55 THE OFFICER INCHARGE, DISTRICT JAIL, DINDIGUL.
56 THE SUPERINTENDENT,CENTRAL PRISON, RAMANATHAPURAM.
57 THE OFFICER INCHARGE,SUB JAIL, PUDUKKOTTAI.
58 THE OFFICER INCHARGE, DISTRICT JAIL, NAGAPATTINAM.
59 THE SUPERINTENDENT,CENTRAL PRISON, THENI.
60 THE SUPERINTENDENT,CENTRAL PRISON FOR WOMEN, MADURAI.

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

COPY TO:

THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO Mr.C.ARUL VADIVEL @ SEKAR, ADVOCATE, SR NO.7864
+1CC TO Mr.S.RAMSUNDARVIJAYRAJ, ADVOCATE, SR NO.7859

ORDER IN

CRL OP(MD)Nos.1607, 4883, 5846, 6472, 7823,
8596, 8858, 9164, 9358, 9376, 9655, 9665,
9995, 10248, 10286, 10290, 10293, 10599,
10831, 10950, 11052, 11143, 11398, 11463,
11466, 11497, 11562, 11565, 11616, 11619,
11623, 11873, 12072, 12613, 12679, 12804,
13423, 13425, 13426, 13484, 13502, 13518,
13645, 13655, 13662, 13664, 13676, 13677,
13678, 13679, 13715, 13813, 13817 of 2021 &
15739 of 2020

Date :02/11/2021

GK

MS/PN/SAR-4/09.11.2021/68P.65C