



CRL OP(MD) No.11509 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.10.2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD) No.11509 of 2024

Alex Midhin Tom

... Petitioner / Accused

Vs

State Represented by
The Inspector of Police,
Madurai Police Station,
NIB-CID District,
Madurai.
[Crime No.4 of 2024]

... Respondent

For Petitioner : Mr.V.Kathirvelu, Senior Counsel for
Mr.V.C.Sankaranarayanan, Advocate
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrlSide)

PETITION FOR BAIL Under Sec.483 of BNSS (439 of Cr.P.C)

PRAYER :- For Bail in Crime No.4 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested by the respondent police on 29.02.2024 in connection with the case registered in Crime No.4 of 204 on the file of the respondent police for the offence under Sections 8(c), 22(c), 25 and 29 (1) of the Narcotic Drugs and Psychotropic Substances Act has filed this criminal original petition seeking bail.



CRL OP(MD) No.11509 of 2024

WEB COPY

2.This is the second bail application filed by the petitioner seeking bail. The earlier bail application filed by this petitioner in CRLOP(MD)No.8583 of 2024 was dismissed by this Court by order dated 28.06.2024 considering the objections of the learned Additional Public Prosecutor that the commercial quantity of psychotropic substances is involved in this case.

3.The learned Senior Counsel appearing for the petitioner submits that the earlier bail application was dismissed by this Court based on the wrong information provided by the respondent police that this is a case of commercial quantity of psychotropic substances. According to him there is no recovery from this petitioner and in fact the petitioner has voluntarily appeared before the respondent police for interrogation on 29.02.2024 and the respondent police by arresting this petitioner has added him as accused No.4 in Crime No.4 of 2024. The petitioner was summoned for enquiry based on the confession statement of A-3. A-3 was arrested on 22.02.2024 at about 4.00pm, at K.K.Nagar, Madurai, while he was travelling in Honda Activa, two wheeler bearing registration No.TN 63 A 3134. A1 was having white gunny bag and a tin box in which 250 gms of Amphetamine and other chemical powders were found. The investigating agency had conducted basic test from the scene of occurrence but they were not able to identify the nature of chemicals and arrested A-1 as he was in possession of psychotropic substances. The materials which were recovered in this



case are not psychotropic substances.

WEB COPY

4.The learned Senior Counsel by referring to the scientific data with regard to the chemical amphetamine submits that this chemical is used as medicine for curing attention deficit hyperactivity disorder and narcolepsy.

5. The learned Senior Counsel also submits that this petitioner is a B.Com., graduate, native of Kerala and is doing business. There is no bad antecedent as against him. He also submits that the petitioner voluntarily appeared before the respondent police on summons and he was arrested without any basis and languishing in jail for the past eight months.

6. The learned Senior Counsel also pointed out that statutory period for filing the final report is already over and therefore, the petitioner is entitled for statutory bail.

7.The learned Government Advocate (Crl Side) appearing for the respondent police submits that the accused in this case have indulged in a new form of drug trafficking by mixing various chemicals with psychotropic substances as a drug and marketing it to Kerala and Karnataka through this petitioner. The petitioner and other accused have adopted advanced scientific techniques for communication and are also using different SIM cards for their communication. According to him, the investigation reveals that A3 has contacted A1 in two SIM cards for 153 + 72 (225)



CRL OP(MD) No.11509 of 2024

times and also contacted this petitioner A4 for 27 + 8 (35) times. This petitioner / A4 has used 9 SIM cards in his mobile phone. They have also collected the details of the tower location of this petitioner, which reveal that this petitioner was present along with A1 and A3, which would expose the nexus of this petitioner with the main accused A1 and A3.

8.The learned Government Advocate further submits that the chemicals have been procured from various places, taken to a particular place near Vadipatti, where it has been converted into a psychotropic substance and transported to Kerala and Karnataka. The petitioner twice crossed Vadipatti check post within 45 minutes and this place according to the investigating agency near Vadipatti is the main place, where the chemicals have been mixed, converted into a psychotropic substance and circulated to various places and these places are yet to be identified.

9.The learned Government Advocate also submits that the mobile phones collected from the accused are sent for forensic analysis and the recovered chemicals are sent for chemical analysis. Since they have prepared new combination of drugs, the Regional Forensic Science Laboratory is taking time to identify the substances of the materials recovered from the accused and by the report dated 20.08.2024, they have confirmed the presence of methamphetamine. Methamphetamine is a psychotropic substances and even 50 gms of this substance is commercial quantity.



CRL OP(MD) No.11509 of 2024

WEB COPY

10. The learned Government Advocate (CrlSide) submits that since this is a new form of drug trafficking, they could not complete the investigation, filed necessary application before the Special Court seeking extension of time for filing the final report and the Court has also granted three more months for filing the final report by order dated 19.08.2024.

11. This Court considered the rival submissions and perused the materials placed on record.

12. The petitioner was arrested on 29.02.2024. The earlier bail application filed by this petitioner was dismissed by this Court based on the serious objections raised by the learned Additional Public Prosecutor. In fact there was no representation for the petitioner in the earlier application. Admittedly this petitioner was arrested based on the confession statement of A-3. A-3 himself was arrested based on the confession statement of A-1. The investigating agency arrested A1 on 22.02.2024 and recovered the following items:

1. Amphetamine – 250 grams
2. Pseduo Ephedrine – 150 grams
3. White colour cake like Glucose – 300 grams
4. White colour crystal stick – 850 grams
5. Brown shade White Colour Powder – 4.750 kgs.



CRL OP(MD) No.11509 of 2024

WEB COPY

6. White colour Powder – 8 kgs

7. White colour Urea powder – 10.500kg

8. Brown color powder – 0.900 gram

9. Pink color Tablet – 72 (Nos)

10. Acetone liquid - 5 ltrs

11. Sodium Hydrozide Pellats 97% Extra pure plastic

cane – 2.300 kgs

12. Brown color liquid – 3 ltrs

13. The learned Senior Counsel claims that all these materials recovered from A1 are not psychotropic substances and on assumption the case was registered and this petitioner was also arrested through confession statement. However the learned Government Advocate submits that the Regional Forensic Science Laboratory report confirms the presence of methamphetamine in the contraband recovered and this methamphetamine is a psychotropic substance.

14. This Court has also collected the CD file and verified the forensic report dated 20.08.2024. Apart from the confession statement the investigating agency has also collected materials as against this petitioner that this petitioner had frequent contacts with A1, from whom the contraband was recovered, from different SIM



WEB COPY

cards for 225 times. The investigating agency has also collected some materials that this petitioner has used 9 SIM cards in his mobile phone. The investigation agency has also collected mobile tower location of the petitioner, which reveals the presence of this petitioner with A-1 near Vadipatti and the presence of A-3 at that time was also in the same tower location.

15. The materials recovered in this case and the forensic report make out a case that the accused by using different chemicals have prepared psychotropic substances and are selling the same. The investigating agency claims that this petitioner is an agent selling the drugs in Kerala and Karnataka. The tower location collected by the investigation agency is that on the particular day the petitioner went to Vadipatti, crossed the check post and thereafter returned within 45 minutes.

16. The petitioner is a native of Kerala, has come to Vadipatti, crossed the check post and returned within 45 minutes. At the relevant point of time A1 and A3 were also present at Vadipatti and according to the investigation agency the surrounding area near Vadipatti is the main place where the chemicals are mixed and converted into psychotropic substances. The investigation agency claims that the investigation is still pending and it is also in crucial stage.

17. The materials collected by the investigating agency make out a case as against this petitioner, which need to be investigated further. The petitioner is a



CRL OP(MD) No.11509 of 2024

WEB COPY

native of Kerala and if he is released on bail his availability for investigation and trial would be doubtful. Apart from that, the forensic report reveals the presence of Methamphetamine, a phscyhotrpoic substance in the chemcials which were recovered from A-1. Even though there is no recovery from the petitioner, the culpabale mental state can be presumed as against this petitioner. Therefore in view of the provision under Section 37 of the NDPS Act, this Court is not inclined to grant bail to this petitioner.

Accordingly, this criminal original petition is dismissed.

sd/-
24/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO
1 THE INSPECTOR OF POLICE,
MADURAI POLICE STATION,
NIB-CID DISTRICT,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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



CRL OP(MD) No.11509 of 2024

+1 CC to M/s.SOUNDHARYA MEENAKSHI, Advocate (SR-13101[I] dated 24/10/2024)

+1 CC to M/s.V.SOUNDHARYA MEENAKSHI, Advocate (SR-13221[I] dated 25/10/2024)

ORDER
IN
CRL OP(MD) No.11509 of 2024
Date :24/10/2024

SA/SKN/SAR. /15.11.2024/9P/6C

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