



CRL OP(MD). No.14650 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.14650 of 2024

Prasanna,

... Petitioner/ Accused No.6

Vs

The Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
Crime No.652 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.Jeyamohan,Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR BAIL UNDER SECTION 483 OF BNSS

PRAYER :-

For Bail in Crime No.652 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ A6, who was arrested on 29.12.2023 for the alleged offence punishable under Sections 8(c), r/w 20(b)(ii)(c) of NDPS Act, in Crime No.652 of 2023, on the file of the respondent police, has filed this petition, seeking bail that he is languishing in jail for the past eight months.

2.The petitioner was arrested on 29.12.2023 that he is having nexus with A3 to A5, through the confession statement of A2. The respondent police recovered 24 kg of ganja from A1 on 29.12.2023 and through his confession statement, they have arrested A2 and recovered further 36 kg of ganja from A2. A2 has submitted in his confession statement that this ganja has been procured by him from A3 to A5. A3 and A4 are husband and wife. A5 is their son. The petitioner / A6 is the driver of A4. The prosecution claims that A6 is the close friend of A5. Based on the confession statement of A2, the Investigating Agency has arrested this petitioner on 29.12.2023 and since then, he is in jail for the past eight months.

3.The learned Government Advocate (Crl.side) appearing for the respondent has raised serious objections that apart from the confession statement of the co-accused, they have also collected materials as to the presence of this petitioner on 26.12.2023 at Andhra Pradesh, from where, the accused persons have procured ganja. That apart, they have also collected call details of this petitioner with A4 for the



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period from 01.03.2023 to 26.12.2023. According to the learned Government Advocate (Crl.side), during the above period, the petitioner has contacted A4 around 195 times. It is also reported that after completion of investigation, they have filed the final report before the concerned Special Court.

4.In reply, the learned counsel for the petitioner admits that the petitioner was working as a driver under A4. Being a driver, the petitioner is expected to go, wherever his owner/A4 directs him. He is not having any nexus with A4 for commission of offence. As a driver of A4, he has contacted A4 for 195 times and that cannot be treated that this petitioner is having nexus with other accused in the commission of offence. The learned counsel further submits that no other previous case is pending as against this petitioner and no recovery has been made from this petitioner. Therefore, the petitioner may be released on bail.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner was arrested on 29.12.2023 and he is in jail for the past 255 days. The earlier application filed by this petitioner was dismissed considering the quantity of the contraband and also considering the stage of the investigation. It is now reported that the investigation has been completed and final report has also been filed. The materials collected by the investigating agency as against this



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petitioner is that he is the Driver of A4. The contraband in this case was recovered from A1 and A2. Through the confession statement of A2, A4 and his wife A3 and his son A5 were added as accused. However, the respondent police have not secured A3, A4 and A5 so far. In the absence of any other material than the call details that this petitioner has contacted his owner for sometimes in between 01.03.2023 and 26.12.2023, this Court is not inclined to reject the bail application.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judge, Principal Special Court for EC and NDPS Act Cases, Madurai.

ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

iii) The petitioner shall report before the trial Court daily at 10.30 a.m, until further orders.

iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.



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v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

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09 / 09 / 2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

1 THE JUDGE
PRINCIPAL SPECIAL COURT FOR EC AND NDPS ACT CASES,
MADURAI.

2 THE INSPECTOR OF POLICE
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/S.K.JAYAMOHAN, Advocate (SR-11119[I] dated 10/09/2024)



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ORDER
IN
CRL OP(MD) No.14650 of 2024
Date :09/09/2024

PSP/ /SAR /09.09.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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