



CRL OP(MD). No.19513 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Harunkumar,

... Petitioner / Accused No.6

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
C3 SS Colony Police Station,
Madurai District.
(Crime No.227 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :- For Bail in Crime No.227 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioner / Accused No.6, who was arrested and remanded to judicial



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custody on 19.05.2024 for the alleged offences under Sections 8(c) r/w. 20(b)(ii)(B) of NDPS Act and altered to the offence under Sections 20(b)(ii)(c), 25 and 29(i) of NDPS Act, in Crime No.227 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.05.2024, a car was intercepted and it was driven by A1. On search, he was found in possession of 1.600 kgs of contraband along with cash and mobile phone. On his confession, it came to light that the other accused persons were also involved in this case. Insofar as the petitioner (A8) is concerned, he is a bus driver who is said to have permitted A6 and A7 to travel in the cabin of the bus along with ganja even without issuing them tickets.

3. The learned Additional Public prosecutor (Criminal Side), on instructions, submitted that this is the third bail petition filed by the petitioner before this Court and the earlier petitions were dismissed on merits. He further submitted that the petitioner is a bus driver and he knew the fact that A6 and A7 were transporting ganja and in spite of the same, he accommodated the accused persons in the cabin of the bus and received a sum of Rs.4,000/- for this purpose. He further submitted that this is a case where all the accused persons had acted in a concerted manner and the entire seizure made in the course of the same transaction and in total 23.600 kgs of ganja was seized.

4. The learned counsel for the petitioner submitted that the petitioner was not



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aware of the fact that the accused persons were transporting ganja when they travelled in the bus. He further submitted that the petitioner has been falsely roped in this case and the petitioner has suffered incarceration in this case from 19.05.2024.

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

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is said to be a bus driver in whose vehicle 2 of the accused persons had transported ganja and that the petitioner is said to have had knowledge about the same and considering the fact that the petitioner has suffered judicial custody from 19.05.2024 and there are no previous cases against the petitioner and the petitioner has a fair chance of defence in the main case and it will take some more time for the completion of the case since the case is at the stage of framing of charge, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special EC & NDPS Court, Madurai, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Trial Court during every date of hearing without fail.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/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 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
02/12/2024

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02/12/2024
Sub-Assistant Registrar (C.O)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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PAL
TO
1 THE JUDGE,
SPECIAL EC & NDPS COURT, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
C3 SS COLONY POLICE STATION,
MADURAI DISTRICT.

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

ORDER IN
CRL OP(MD) No.19513 of 2024
Date :02/12/2024

SA/SAR. /02.12.2024/5P/5C

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