



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 20.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.19772 and 19407 of 2024

Jeyaprapa ... Petitioner/ Accused No.2
(in CRL OP(MD). No.19772 of 2024)

Suppu ... Petitioner / Accused No.4
(in CRL OP(MD). No.19407 of 2024)

Vs

The State of Tamil Nadu
rep by the Inspector of Police,
Nagamalaipudukkottai Police Station,
Madurai District.

Crime No. 259 of 2024.

... Respondent/ Complainant
(in both cases)

For Petitioner : Mr.N.Saravanan,
Advocate.
(in CRL OP(MD).No.19772 of 2024)

For Petitioner : Mr.K.Yasar Arafath,
Advocate.
(in CRL OP(MD).No.19407 of 2024)

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor
(in both cases)



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

PRAYER :-

For Bail in Crime No. 259 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused, who were arrested and remanded to judicial custody on 27.06.2024 and 08.07.2024 respectively for the offence under Sections 8(c) r/w. Section 20(b)(ii)(C), 25 and 29(1) of the NDPS Act, in Crime No.259 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 26.06.2024, during routine checkup, the police noticed a car in suspicious manner and on seeing the police, the accused attempted to escape. The car was intercepted and it was found that A1 to A3 were inside the car. A1 and A2 were women and hence immediately the information was sent to the police and two lady constable reached the spot. They were informed by the police that they have a right to ask for the search to be conducted in the presence of the Gazetted Officer or Judicial Magistrate. Since they did not opt for the same, the search was conducted in front of gazetted officer and totally 25 Kgs quantity of ganja was seized. A1 to A3 were arrested with the contraband and their mobile phones were also seized. Apart from that, the car was also seized. Based on the

confession of A1 to A3, A4 was arrested on 08.07.2024. The specific case of the

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



prosecution as against A4 is that he was the one who gave information to A1 to A3 on the availability of ganja at Andhra Pradesh. There are totally 4 accused persons in this case and the petitioners have been arrayed as A2 and A4.

3. Heard the learned counsels appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

4. In the instant case, a commercial quantity is involved and therefore, the Court has to deal with the case and see, if the requirements under Section 37 of the NDPS Act is satisfied. Insofar as the petitioner in CrI.OP(MD). No. 19772 of 2024 who has been arrayed as A2, this Court does not find any statutory violation. Therefore, even though there are no previous cases against A2, since there is no statutory violation and the requirement under Section 37 of the NDPS Act has not been fulfilled, this Court is not inclined to grant bail to A2.

5. Insofar as the petitioner in CrI.OP(MD).No.19407 of 2024, who has been arrayed as A4, he has been roped as an accused in this case based on the confession of A1 to A3. It is also brought to the notice of this Court that this petitioner has 2 previous cases for offence under NDPS Act. It is also brought to the notice of this Court that investigation has been completed in all respects and the respondent police is only awaiting for chemical analysis report and the CDR details.

6. Considering the facts and circumstances of the case and considering the age of the petitioner in CrI.OP(MD). No. 19407 of 2024 and also considering the fact that



this petitioner has suffered incarceration from 08.07.2024 and he has been roped in this case based on the confession of A1 to A3, this Court is inclined to grant bail to the petitioner in CrI.OP(MD).No.19407 of 2024 subject to the following conditions.

7. Accordingly, the petitioner in CrI.OP(MD).No.19407 of 2024 is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Principal Special Court for Trial of Narcotics Drugs and Psychotropic Substances Act Cases, Madurai, and on further conditions that:-

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

[b] the petitioner in CrI.OP(MD).No.19407 of 2024 shall report before the respondent Police daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioners shall not tamper with 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/Trial Court is entitled to take appropriate action against the petitioners 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]**.

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. In the result, the criminal original petition in CrI.OP(MD). No. 19772 of 2024 is dismissed and the criminal original petition in CrI.OP(MD). No. 19407 of 2024 is allowed in the above terms.

sd/-
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/ /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.The Principal Special Court for Trial of Narcotics Drugs and Psychotropic Substances Act Cases, Madurai
- 2.The Officer-in-Charge,
Central Prison,
Madurai.
- 3.Inspector of Police,
Nagamalaipudukkottai Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER
IN

CRL OP(MD) No.19772 of 2024

Date :20/11/2024

KVL/20.11.2024 6P/5C

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