



CRL OP(MD). No.20220 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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N. Malarkodi @ Malar

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Karur Town P.S.,
Karur District,
(In Crime No. 762/2024).

... Respondent/Complainant

For Petitioner : Mr.SMA. Jinnah, Advocate

For Respondent : Mr.S.Ravi,
Government Advocate (Crl.Side)

PETITIONS FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No. 762 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A2, who was arrested and remanded to judicial custody
on 17.10.2024 for the offences under Sections 8(c) r/w 20(b)(ii)(C), 25, 29(1) NDPS Act



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r/w Section 123 of BNS Act in Crime No.762 of 2024 on the file of the respondent police, seeks bail.

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2. The case of the prosecution is that on secret information on 16.10.2024, the police party intercepted A1. He was found in possession of Tapentadol HCL Tablets – 100 mg. TADOL – 300 tablets and ALPRAX – 15 tablets (0.5mg). Based on the confession of A1, it was ascertained that A2 had supplied the tablets and A2 was supplied with the tablets by A3 and A4. A1 and A2 have been arrested in this case and A3 and A4 are absconding. The petitioner has been arrayed as A2.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3.The learned counsel for the petitioner submitted that only the ALPRAX tables are coming within the definition of psychotropic substances and the quantity that was recovered from A1 is not a commercial quantity. He further submitted that a false case has been foisted against the petitioner and he has nothing to do with the alleged offence.

4.The learned Additional Public Prosecutor submitted that the entire contraband was seized from A1 and it was only the petitioner (A2), who had supplied the tablets. The learned Additional Public Prosecutor further submitted that there is one previous case against the petitioner for the offence under POCSO Act and



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in that case, he was acquitted.

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5. Taking into consideration the facts and circumstances of the case and considering the fact that in this case one contraband alone, namely ALPRAX is designated as psychotropic substance and the quantity that was seized is not a commercial quantity and the petitioner has been roped in the case based on the confession of A1 and there are no previous cases against the petitioner pertaining to NDPS Act and the petitioner has suffered incarceration from 17.10.2024, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the criminal original petition is ordered and the petitioner is ordered to be released on bail on 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 Sessions Judge, Special EC & NDPS Court, Pudukottai, and on further conditions that:-

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

[b] the petitioner shall report before the respondent police every Monday at 10.30 a.m., until further orders;

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



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investigation or trial;

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

[e] On breach of any of the aforesaid conditions, the learned Judge/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 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 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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.

PNM

TO

1 THE SESSIONS JUDGE, SPECIAL EC & NDPS COURT,
PUDUKOTTAI,

2 THE OFFICER INCHARGE
TRICHY WOMEN PRISON, TRICHY.



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3. THE INSPECTOR OF POLICE,
KARUR TOWN P.S.,
KARUR DISTRICT,

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

ORDER
IN
CRL OP(MD) No.20220 of 2024
Date :02/12/2024

PSP/ /SAR /02.12.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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