



CRL OP(MD). No.22703 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/12/2024

PRESENT

The HONOURABLE MR. JUSTICE P. DHANABAL

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Sudhagar

...Petitioner/2nd Accused

Vs

State Through
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Cr.No.250 of 2024)

... Respondent/Complainant

For Petitioner : Mr.N.Kamesh, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.482 of BNSS

PRAYER :-

For Bail in Cr.No.250 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioner/2nd Accused, who was arrested and remanded to judicial custody on 19.11.2024 at the hands of the respondent police for the offences punishable under Sections 8(c), 20(b)(ii)(B), 22(a), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substance Act, 1985 in Crime No.250 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.11.2024, at 9.45 am, the respondent's informer informed that 2 persons are going to Kerala for selling Ganja and requested the respondent to come in person to identify the doubtful persons. The informer also took the respondent to Cubmum Yegaloothu Road. At that time, the petitioner and the first accused came to the spot in a two wheeler bearing Registration No.TN 57 BA 3603 proceeding towards Gudalur with white plastic gunny, which was containing 2 kgs of ganja and 1 gram of methamphetamine, which was seized by the respondent. The respondent also seized 900 grams of ganja from the second accused viz., the petitioner and he was remanded to custody. Seeking bail, this petition came to be filed.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution. The petitioner is in prison for nearly about 38



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days.

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4. The learned Additional Public Prosecutor would submit that there are totally seven accused and the petitioner is the second accused and he had possession of 900 grams of ganja and no previous case is pending against the petitioner for similar offence. Investigation is at initial stage, hence strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offences charged against the petitioner and that the quantity of contraband is not a commercial quantity and even according to the prosecution, the contraband recovered from the petitioner is also not a commercial quantity and that no previous case is pending for similar offence against the petitioner and the petitioner is in incarceration from 19.11.2024, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Principal Special Court for Narcotic Drugs and Psychotropic Substance Act, Madurai. and on further conditions that:



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[b] the petitioner shall report before the NDPS Court on all working days at 10.00 A.M. until further orders.

[c] the petitioner shall not commit any offences of similar nature.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

7. Learned counsel for the petitioner submits that there are typographical errors in the petition viz., in the prayer portion, in spite of mentioning Cr.No.250 of 2024, it has been wrongly mentioned as "Cr.No.242 of 2024" and the name of prison where he is confined is also wrongly mentioned as Kandamanoor Sub-Jail, Theni instead of "Kandamanoor District Jail, Theni".



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8. The same shall stand corrected and the Registry is directed to carry out the
above corrections.

sd/-
27/12/2024

/ TRUE COPY /

31/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ABR

To

1.The Judge,
Principal Special Court for Narcotic Drugs and Psychotropic Substance Act,
Madurai.

2.The Inspector of Police,
Cumbum South Police Station,
Theni District.

3.The Officer Incharge,
Kandamanoor District Jail,
Theni.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.22703 of 2024
Date :27/12/2024



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ED/ VR /SAR- (31/12/2024) 6P / 5 C

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