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Crl.O.P.No.11796 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.09.2025

CORAM

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.11796 of 2025

Bhavaniraj (M/45)  
S/o Amavasai  
Kurangumayan Veethi  
Cumbum, Uthamapalayam Taluk,  
Theni District.

..Petitioner/Accused No.1

/versus/

State rep.by  
The Inspector of Police,  
Nallipalayam Police Station,  
Namakkal District.  
Crime No.56 of 2022.

..Respondent/Complainant

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Spl.C.C.No.115 of 2022 on the file of the Hon'ble Additional District Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Salem in Crime No.56 of 2022 on the file of the respondent police.

|                |                                 |
|----------------|---------------------------------|
| For Petitioner | :Mr.S.Mohamed Ansar             |
| For Respondent | :Mr.A.Gopinath                  |
|                | Government Advocate (Crl. Side) |

ORDER



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The petitioner, who arrested and remanded to judicial custody on 18.08.2022 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1), 25 of NDPS Act and Sections 468, 471, 420 r/w 34 of IPC in Crime No.56 of 2022 on the file of the respondent police, seeks bail.

2. This petitioner herein is an offender under NDPS Act, who had jumped bail and provided his vehicle for transporting 240 kgs of ganja. The respondent police on tracking telephone conversation between the accused and the others, arrested the petitioner on 18.08.2022.

3. The learned Government Advocate (Crl.Side) states that there is no change in the circumstances, after dismissal of the earlier bail petition dated 16.10.2023. Infact, the trial in this case has commenced and the prosecution witnesses have been summoned for their appearance on 08.09.2025. At this juncture, if the petitioner is released on bail, there is every possibility of absconding and tempering with evidence. Furthermore, the material collected indicates a *prima facie* case under the NDPS Act for possession of a commercial quantity of ganja.



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4. However, the learned Government Advocate (Crl.Side) states that there are two previous cases against this petitioner-one involving commercial quantity and another involving an intermediate quantity. If there is a possibility of the petitioner involving himself in a similar offence, then the condition imposed under Section 37 of the BNSS is not complied with. Hence, the Criminal Original Petition stands dismissed.

02.09.2025

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To

- 1.The Additional District Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Salem.
- 2.The Inspector of Police, Nallipalayam Police Station, Namakkal District.
- 3.The Central Prison, Madurai.
- 2.The Public Prosecutor, High Court, Madras.

Dr.G.JAYACHANDRAN, J.



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