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Crl.O.P.No.1871



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.10.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.18713 of 2025

Arul

... Petitioner

-VS-

State Rep by,
The Deputy Superintendent of Police,
NIBCID Police Station,
Coimbatore-Post and District.
(Crime No.61 of 2020)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail pending trial in C.C.No.88 of 2021 on the file of the Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore in Crime No.61 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Veerasekharan

For Respondent : Mr.A.Gopinath,
Government Advocate (Crl. Side)

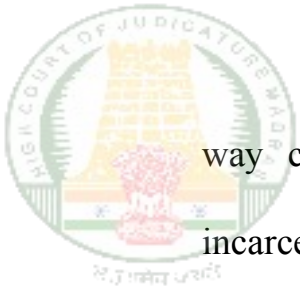
**ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 05.12.2020, for the alleged offence punishable under Sections 8(c) r/w. 22 © and 29(1) of NDPS Act in Crime No.61 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving a secret information about the trafficking of Methamphetamine drug from India to Dubai, respondent Police conducted a search and found the accused were in illegal possession of 1.200 grams of in their suit case. The respondent has seized the contraband, arrested the accused and also registered a case against the accused for the offences punishable under Sections 8(c) r/w 22(C) and 29(1) of the Narcotic Drugs and Psychotropic Act, 1985. Hence the case.

3. The learned counsel appearing for the petitioner submitted that this is the third petition and the earlier petition was dismissed by this Court in CrI.OP.No.14115 of 2021 & 1199 of 2022 dated 23.08.2021 & 27.01.2022, respectively. He also submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no



way connected with the alleged offence, whereas, he is suffering long incarceration from 05.12.2020 above four years. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. To support his contention, he relied the order of *"the Hon'ble Supreme Court, in Crl.Appeal No.1247 of 2024 (Arising out of SLP (Criminal) No.230 of 2024) in the case on Naeem Ahmed Alias Naim Ahmad Vs. Govt of NCT of Delhi*. Hence, he prays to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that A1 and A2 handed over the (Methamphetamine) suitcase to Nagarathinam who was moving his trolley towards the departure gate check-in at Airport. But Nagarathinam refuse to receive the suit case as he has to pay duty extra for the luggage. Immediately both A1 and A2 left the place by handing over the suitcase to Nagarathinam and who in turn alerted the officials. After that the respondent, conduct search of the accused, also seized 1.200 kg of Methamphetamine from suit case, along with currency of United Arab, Emirates (50 Dirhams 2 leaf) under cover of presence in the witnesses. Then the respondent police arrested the accused A1 and A2 and obtained their confession statement. Now the final report has been filed and the case is taken up on the file of the learned Additional District Special Judge Essential Commodities Act, 1985, Coimbatore



in C.C.No.88 of 2021. Learned Government Advocate (CrI.Side) further submitted that there are totally three accused in which the petitioner is ranked as A2. There are totally 25 witnesses out of which 13 witnesses were dispensed with, P.W.1 to P.W.7 were examined and the case is posted for examination of P.W.12 on 05.12.2024. He also submitted A3 is still absconding. If the petitioner is granted bail at this stage, there is a possibility of tampering the evidence. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. This Court based on the above facts, granted bail to A2 in CrI.O.P.No.28118 of 2024 dated 28.11.2024, who is the person similarly placed with the petitioner herein. While granting bail this Court has observed the following:

“5. Taking into consideration the facts and submissions made by both side counsels and also considering the period of long incarceration undergone by the petitioners which covers half of the period of punishment and charge sheet also filed and before the trial Court most of the witnesses were examined,



and the authority relied by the learned counsel for the petitioner is squarely applicable to the facts of the case, therefore this court is inclined to grant bail to the petitioner with certain conditions.”

7. I am of the view that the reasons stated by this Court for granting bail to A2 also apply to the petitioner herein. I am of the view that the petitioner is entitled for bail. I am inclined to grant bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the ***learned Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore***, 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 shall report before the respondent police daily at 10.30 a.m., and 5.00 p.m., until further orders and also directed to appear before the trial Court on every hearings



without fail.

[c] the petitioner shall not abscond either during

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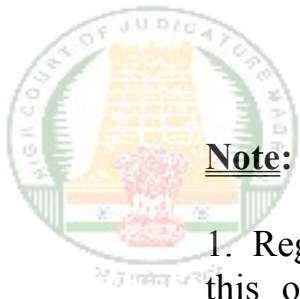
[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[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 B.N.S.

24.10.2025

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Additional District Judge, Special Court for Essential Commodities Act Cases, Coimbatore
- 2.The Deputy Superintendent of Police,
NIBCID Police Station,
Coimbatore-Post and District.
- 3.The Superintendent of Police,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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