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CrI.O.P.No.1876



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.10.2025**

CORAM :

**THE HON'BLE MR. JUSTICE K. RAJASEKAR**

**CrI.O.P.No.18764 of 2025**

Sadaiyan

... Petitioner

-VS-

State Rep by,  
The Inspector of Police,  
NIB CID, Salem  
(Crime No.60 of 2024)

... Respondent

**Prayer:-** Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail in respect of Spl.C.C.No.76 of 2025 on the file for the Special Court for EC/NDPS Act Cases, Salem.

For Petitioner : Mr.S.Prabhu

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

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**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 25.08.2025, for the alleged offence punishable under Sections 8(c) r/w. 20(b)(ii)(C), 25 & 29 (1) NDPS Act in Crime No.60 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on secret information, the first accused was found in possession of 270 kgs of ganja which is commercial quantity; that his confession statement revealed that the petitioners had purchased the contraband from Andra Pradesh and transported the same through A1, who in turn sold it to A5 for the purpose of sale.

3. Learned counsel appearing for the petitioner submitted that the allegations against the petitioner is false; the petitioner is sought to be implicated only on the confession of co-accused, there is no other material to connect the petitioner with the other accused, except for the CDR details suggesting that the petitioner had made frequent calls to A1; that there are no bad antecedents against the petitioner and hence, the petitioner has satisfied twin conditions of Section 37 and considering the period of incarceration, he sought for bail.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the prosecution case and confirmed the fact that the petitioner



is sought to be implicated only on the confession of the co-accused; that there are no previous cases against the petitioner and CDR details revealed that the petitioner has contacted A1 continuously.

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

6. This Court in Crl.O.P.Nos.9272 & 9276 of 2025 has considered the bail applications of A2 and A3 who were similarly placed with that of the petitioner herein and granted bail on the following grounds:

*“5.Admittedly, no contraband was seized from the petitioners. The petitioners are sought to be implicated on the confession of the co-accused. Apart from the confession, the only other material to connect him with the other accused is the call details. The petitioners have no bad antecedents and hence this Court is of the view that the petitioners have satisfied the twin conditions under section 37 of the NDPS Act.*

*6.Considering the aforesaid facts and circumstances, period of incarceration and further custody of the petitioners are not required for the purpose of investigation, this Court is inclined to grant bail to the petitioners with certain conditions.”*

7. This Court has already considered the submissions of the Government Advocate (Crl.Side) regarding the CDR details relied on by him and further



inclined to grant bail to the petitioners who are ranked as A2 and A3. This petitioner is also similarly placed as that of A2 and A3 who had been granted bail by this court. It is also stated by the learned Government Advocate (CrI.Side) that the petitioner is having 4 previous cases. But the counsel for the petitioner submitted that out of 4 previous cases, in 3 cases petitioner was already acquitted and one case alone is pending. Considering the fact that the similarly placed accused was granted bail on the ground of Section 37 is not applicable to the case of A2 and A3, this petitioner is entitled for bail on the ground of parity. Hence, 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.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate-II, Salem*, 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 Trial Court daily at 10.30 a.m., until further orders;



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

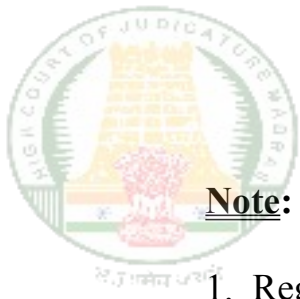
[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[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.

**25.10.2025**

mpa



**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 Judicial Magistrate-II, Salem.
- 2.The Inspector of Police,  
NIB CID, Salem.
- 3.The Superintendent of Police,  
Central Prison, Salem.
- 4.The Public Prosecutor,  
High Court, Madras.



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**K. RAJASEKAR, J.**

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