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Crl.O.P.No.20793



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.20793 of 2025

B.Mayappan

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
NIB – CID,
Salem District.
(Crime No.90 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in Spl.S.C.No.72 of 2022 pending on the file of the learned Additional District Judge & Presiding Officer, Special Court under E.C. & NDPS Act Cases, Salem.

For Petitioner : Mr.G.Murugendran

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



ORDER

The petitioner, who were arrested and remanded to judicial custody on 13.03.2025 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of NDPS Act, 1985, in Crime No.90 of 2019, registered on the file of the respondent police, seeks bail.

2. The allegation against this petitioner is that, he is ranked as A4, and on 06.10.2019 the respondent intercepted A1 to A3 who were carrying 32 kgs of ganja (Commercial quantity). After completing various mandatory provisions they were arrested. Thereafter this petitioner was shown as absconding accused and final report was filed. After filing a final report, PT warrant was obtained against the petitioner and he was arrested in this case on 13.03.2025. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and the petitioner is in judicial custody since 13.03.2025; and that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and sought for bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and submitted that in the year 2020 itself PT warrant was obtained, while the petitioner was in custody, however



before executing the warrant, he was released on bail. He is arrested only recently in the month of March 2025 and the case is pending at the stage of summoning and for appearance of the accused and the petitioner is having 11 previous cases and opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, though this petitioner is having 11 previous cases, the allegation in this case is concerned he used to purchase the contraband from A1 to A3 and he was supposed to receive the contraband from A1 to A3 and distribute the same to various pedlars and no other materials were produced before this Court, to link the contraband with the petitioner. Further, except confession statement no other material produced me to implicate the petitioner with contraband. The close scrutiny of documents reveals that, in the confession it revealed only to the fact that, he used to purchase ganja from the Accused Nos.1 and 2. Since there is no material produced before me to link the accused with allegations that he has also part of conspiracy, I am of the view that the petitioner herein is entitled for bail.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with two sureties, each for a like sum to the satisfaction of the *learned Special Judge for EC and NDPS Act Cases, Salem*, and on further conditions that:-



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[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the learned Special Judge for EC and NDPS Act Cases, Salem daily at 10:30 a.m., for a period of four weeks and thereafter, as and when required for interrogation by the respondent police ;

[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];



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

25.11.2025

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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 Special Judge for EC and NDPS Act Cases, Salem.
- 2.The Inspector of Police,
NIB – CID,
Salem District.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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K. RAJASEKAR, J.

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