



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.12.2025**

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Crl.O.P.No.32233 of 2025

Viswanathan

... Petitioner

-VS-

State Rep by,
The Inspector of Police,
Arcot Taluk Police Station,
Ranipet District.
(Crime No.74 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail in connection with the case in Spl.C.C.No.306 of 2025 pending investigation on the file of the Additional District Judge, Salem.

For Petitioner : Mr.A.Saravanan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.05.2025 for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 29(1) of NDPS Act, in Crime No.74 of 2025, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.04.2025 at about 11.00 hours. When Tr.Prabhakaran, the Sub Inspector of Police, was in station duty at that time he received secret information about the illegal transport of Narcotic substance. After receiving information he along with his police team (i.e) Tr.Venkatesam, Special Sub Inspector of Police, Tr.Selvam HC-377 & tr.Asanbasha HC 301 went to the scene of occurrence (i.e) Near Renakan Company, Arcot to Cheyyar Road. The said police parties identified A1 Sidari Vasanthkumar and A2 Gemmeli Chandu who were standing suspiciously and the respondent caught hold the accused person. On searching the police found the accused in possession of 60 kgs Ganja and seized from the accused person under the cover of seizure mahazar in the present of witnesses. Further investigation reveals that this petitioner had been receiving the contraband from A3 who is



from Odisha while they were transporting the same to Pondicherry. A1 and A2 were caught red handed. It is also revealed that A4 to A6 used to smuggle the contraband with them. Hence they were added as accused.

3. The learned counsel appearing for the petitioner submitted that the petitioner is ranked as A4 and the statement recorded from A1 and A2 has been stated that this petitioner was having some relationship with them and he has not participated in the contraband involved in this case. There being so, adding them as accused in this case for seizure of 60 kgs of Ganja is not applicable to them. Consequently, section 37 of NDPS Act is not applicable to the case of the petitioner herein. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reported that totally 6 accused in this case, A1 and A2 were arrested on the statement that revealed that A3 is the main supplier from him and A4 to A6 used to purchase and transport the same. Hence, the petitioner had been added as accused in this case. He further submitted that since contraband seized in this case is 60 kgs of Ganja and Section 37 of the NDPS Act is also applicable to the petitioner. Hence, he opposed for grant of bail to the petitioner.



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

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6. Earlier this Court granted bail to A6 on the following reasons:

“I have gone through the statement recorded from A1 and A2 and they have not stated that this petitioner is also participated in the transportation, possession or sale of 60 kgs of Ganja recovered from them. They only stated that this petitioner and other accused i.e., A4 to A6 used to have smuggling activity with them. Since there is no specific involvement of the petitioner herein with the present contraband which is seized in this case and further there is no other allegation that they had also participated in any other transactions which is shown as a property involved in this case. I am of the view that section 37 of the NDPS Act is not applicable to them and so far no previous cases are registered against the petitioner. Hence, I am inclined to grant bail to the petitioner, subject to certain conditions.”

7. The petitioner herein has ranked as A4. Since a reasons for granting bail to A6 in Crl.O.P.No.27632 of 2025 is squarely applicable to the case of this



petitioner, I am inclined to grant bail to the petitioner with certain conditions.

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8. 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 Court for the Exclusive Trial of EC Act Cases and NDPS Act Cases, 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 the learned **Special Court for the Exclusive Trial of EC Act Cases and NDPS Act Cases, Salem daily at 10.30 a.m., for a period of one month and thereafter all hearing dates.**

[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.

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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 Court for the exclusive Trial of EC Act Cases and NDPS Act Cases, Salem.
- 2.The Inspector of Police,
Arcot Taluk Police Station,



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Ranipet 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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