



Crl.O.P.(MD) No.522 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.522 of 2025

C.Vijay

... Petitioner/ Accused No.3

Vs.

The State of Tamilnadu,
Rep. by the Inspector of Police,
Madurai Prohibition Enforcement Wing Police Station,
Madurai City,
Madurai.
(Crime No.648 of 2024)

... Respondents Complainant

PRAYER : Criminal Original Petition filed under Section 483 of Criminal Procedure Code, to enlarge the petitioner/ Accused No.3 on bail in Crime No.648 of 2024 on the file of the respondent police..

For Petitioner : Mr.T.Sakthi Kumaran, Advocate
for Mr.C.R.Kasi Viswanathan, Advocate

For Respondent : Mr.S.Ravi
Additional Public Prosecutor

ORDER

The petitioner/accused No.3, who was arrested and remanded to judicial custody for the offences under Sections 8(C) r/w 20(b)(ii)(C), 25, 29(1) of the



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'Narcotic Drugs and Psychotropic Substances Act, 1985' (hereinafter referred to as 'the Act'), on the file of the respondent, seeks bail.

2.The case of the prosecution is that the Sub-Inspector of Police received a secret information on 27.05.2024 at about 13.00 hours that the accused persons are travelling in a car from Andhra Pradesh after purchasing 'Ganja'. This information was recorded and informed to the superior officer in writing and after obtaining permission and recording the same in the General Diary, the police party proceeded to the spot. The police party surrounded the car around 15.00 hours. The inmates of the car were apprised about their rights available under the Act. On search, the police recovered 22 parcels kept in a travel bag and a shopping bag. On further analysis, it was found that it was ganja and the same was weighed and found to be 21.300 kilograms. A1 to A3 were arrested. A report was submitted under Section 57 of the Act and the case was registered in Crime No.648 of 2024 on 27.05.2024 at about 20.30 hours.

3.Based on the confession of A1 to A3, A4 was arrested on 28.05.2024 and 1.5 kilograms of ganja was seized. Similarly, A6 was arrested on 11.06.2024 and 500 grams of ganja was seized. The specific case of the prosecution is that the possession of ganja by the respective accused persons was a concerted effort and in furtherance of a common intention. There are totally seven accused persons in this case and the



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petitioner has been arrayed as A3. Out of the seven accused persons, six accused persons have been arrested and A7, who is said to have made the arrangements to sell the ganja from Andhra Pradesh is said to be absconding.

4.Counter-affidavit has been filed by the respondent since the matter involved a total quantity of 23.300 kilograms which is a commercial quantity.

5.Heard Mr.T.Sakthi Kumaran, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing on behalf of the respondent.

6.In the considered view of this Court, this Court had an occasion to deal with the bail applications that were filed by A1, A2, A4 and A6 in Crl.O.P(MD) Nos.18999, 19356, 19473 and 19610 of 2024. On considering all the grounds, this Court enlarged those accused persons on bail by an order dated 06.12.2024 after finding that the twin conditions under Section 37 has been satisfied.

7.In the case in hand, the petitioner has been arrayed as A3 and there are no previous cases against the petitioner. The petitioner is suffering incarceration from 28.05.2024. The investigation has been completed and the trial is yet to commence and therefore, the possibility of disposing the case in the near future is highly unlikely. The order passed in favour of the other accused persons who were enlarged on bail by this Court will also enure in favour of the petitioner.



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8. In the light of the above, this Court is inclined to grant bail to the petitioner subject to the following conditions:

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.V, Madurai 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 the Judicial Magistrate Court No.V, Madurai, daily at 10.30 a.m., until further orders including the day on which the case is posted for hearing;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.



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[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 petitioners 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 of B.N.S.2023.

sd/-
20/01/2025

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20/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

To

1.The Judicial Magistrate No.V,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.



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3.The Inspector of Police,
Madurai PEW Police Station,
Madurai City, Madurai.

4.The Superintendent,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.R.KASI VISWANATHAN, Advocate (SR-536[I] dated 20/01/2025)

ORDER
IN

CRL OP(MD) No.522 of 2025
Date :20/01/2025

ED/ /SAR- (20/01/2025) 6P / 7C

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