



CRL OP(MD). No.541 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.541 of 2025

Sethupathi,
S/o Sangili,
Muthalipatti,
Sathanathapuram,
Sivakasi,
Virudhunagar District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
Crime No. 68/2024.

... Respondent/ Complainant

For Petitioner : Mr.SMA Jinnah,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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PRAYER :-

For Bail in Crime No.68 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 08.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.2 was arrested and remanded to judicial custody on 29.02.2024. for the offences punishable under Sections 8(c), 20(b)(ii)(C), 25 and 29(1) of NDPS Act, 1985 in connection with Crime No.68 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 29.02.2024, at about 00.15 hours, based on the secret information received by the Inspector of Police, a police team conducted an inspection near Kirapatti Division Road. During the inspection, they found that three Accused persons were in illegal possession of 40 kgs of ganja in a container lorry. The respondent-police seized the contraband and the alleged vehicle and arrested the petitioner along with other accused persons. The petitioner herein has been arrayed as Accused No.2 in this case. Hence, the case.

4. Mr.SMA.Jinnah, learned counsel appearing for the petitioner, submits that



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the petitioner has nothing to do with the alleged offence, and a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court, and co-operate with the trial. He further submits that if bail is granted to the petitioner, he will not abscond. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that the respondent-Police seized 40 kgs of ganja from Accused Nos.1 to 3 on the spot, which constitutes a commercial quantity. He further submits that the investigation has been completed and charge sheet has been filed before the learned II Additional District Judge, Special Court for trial of NDPS Act Cases, Madurai, and the case was taken on file in C.C.No.263 of 2024, and now, it is posted for furnishing copies on 19.03.2025. He further submits that all the accused persons have been in prison. He further submits that in view of Section 37 of the NDPS Act, the petitioner has not made out a prima facie case. He further submits that if bail is granted to the petitioner, he may abscond and thereby, cause delay to the trial proceedings. Hence, he vehemently opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. 40 kgs of contraband, which has been seized from the petitioner and other



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accused persons on the spot, is a commercial quantity. There are sufficient materials available on record to show that the petitioner involved in the offence. The petitioner has not satisfied the twin conditions stated in Section 37 of the NDPS Act. In view of the rigors stated in Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

8. Since all the accused persons have been in custody, the learned II Additional District Judge, Special Court for trial of NDPS Act Cases, Madurai is requested to conclude the trial in C.C.No.263 of 2024 in a speedy manner. The prosecuting agency and the petitioner are directed to co-operate with the trial Court for expeditious disposal of the case. To be noted, the above said direction is passed only after consultation with the learned Principal Special Judge, Special Court for trial of NDPS Act Cases, Madurai.

9. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
11/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO मेव जयते

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- 1 THE II ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.
- 2 THE OFFICER INCHARGE
DISTRICT JAIL, THENI.
- 3 THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.541 of 2025

Date :11/03/2025

HPS/SAR / 26.03.2025/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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