



CRL.OP(MD) No.2086 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD) No.2086 of 2025

Muniyappan

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Peraiyur Police Station,
Madurai District.
(Crime No.204 of 2024)

... Respondent / Complainant

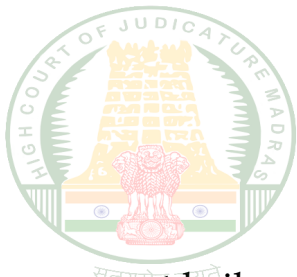
PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in
Crime No.204 of 2024 on the file of the respondent-police.

For Petitioner : Mr.N.Ponraj,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 29.01.2025
under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



grant bail.
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2. The petitioner/A2 was arrested and remanded to judicial custody on 30.09.2024 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C), 29(1) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.204 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 30.09.2024, at about 06:10 hours, the Special Sub-Inspector of Police, along with his team, was on patrol duty near Paraiyur Perumal Temple Street. At that time, the police intercepted Accused No. 1, who was in possession of 4 kgs of ganja in two white gunny bags. On seeing the police, he ran into his house; however, the police apprehended him. On inquiry and a search of his house, the police found that he was further in possession of 70 kgs of ganja. The police seized the entire 74 kgs of ganja from him. Based on his confession, the petitioner (A2) and A3 were arrested, and on inquiry, they were also found in possession of 500 grams of ganja each. Based on their confessions, Accused No. 4 was arrested on 16.11.2024. Thus, out of the five accused persons, Accused Nos. 1 to 4 have been arrested in this case, and the total quantity of ganja involved is 75 kgs. Hence, the case.



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4. Mr.N.Ponraj, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner was only found in possession of 500 gms of ganja, even as per the case of the prosecution. He further submits that the petitioner has been in incarceration from 30.09.2024. He however submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally 5 accused persons in this case and the petitioner has been arrayed as A2. He further submits that there are no previous cases against the petitioner. He further submits that 500 grams of ganja have been seized from the petitioner (Accused No.2). He further submits that the petitioner and other accused persons jointly purchased the contraband and sold the same in market. He vehemently opposes to grant bail to the petitioner, by stating that if bail is granted, the petitioner may commit the similar offence and cause delay to the trial proceedings and also tamper with the evidence.

Accordingly, he prays to dismiss the petition.



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

7. The petitioner was arrested and has been in incarceration since 30.09.2024. On perusal of the records, it reveals that only 500 grams of ganja has been seized from the petitioner. Therefore, this Court is of the view that the petitioner has satisfied the twin conditions stipulated under Section 37 of the NDPS Act, as the contraband allegedly in the possession of the petitioner is of a small quantity. To be noted, the above view is recorded only for the limited purpose of deciding the bail petition. The above view, in any way, would not prejudice the rights of the prosecution to establish its case during the trial. Therefore, further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and also considering the period of incarceration and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Principal Special Judge,

<https://www.mhc.tn.gov.in/judis>



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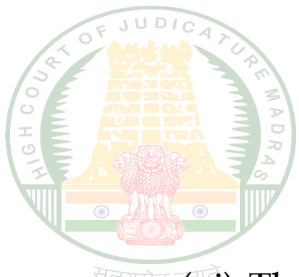
Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases,
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Madurai.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Principal Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Madurai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the learned Principal Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Madurai, on all working days at 10.30 a.m. and 05.30 p.m. until further orders.

(iv) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(v) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected.



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(vi) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(vii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant and the witnesses.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Principal Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Madurai.

(ix) On breach of any of the aforementioned conditions, learned Principal Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Madurai or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
04/03/2025

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04/03/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The Principal Special Judge,
Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases,
Madurai.
- 2.The Superintendent,
Central Prison, Madurai.
- 3.The Inspector of Police,
Peraiyur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PONRAJ, Advocate (SR-2339[I] dated 04/03/2025)



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ORDER
IN
CRL OP(MD) No.2086 of 2025
Date :04/03/2025

RK (04/03/2025) 8P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023