



CRL OP(MD). No.947 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.947 of 2025

Balaji

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
PEW-Melur Police Station,
Madurai District.
(Crime No.569 of 2024)

... Respondent / Complainant

For Petitioner : Mr.M.Jegadeesh Pandian, Advocate.

For Respondent : Mr.S.Ravi, Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :-

For Bail in Crime No.569 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.3, who was arrested and remanded to judicial custody on 15.11.2024 for the alleged offences under Sections 8(c), 20(b)(ii)(C) and 29 (1) of NDPS Act, in Crime No.569 of 2024 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that on 15.10.2024, the Sub-Inspector of Police received a secret information that ganja is being smuggled from Andra Pradesh to Madurai. The same was recorded in the General Diary and was intimated to the superior officer and after getting the prior permission, the police team went to the spot. A1 was driving a lorry and this vehicle was intercepted. A search was made and 85 kgs of ganja was seized from the lorry. On being questioned, A1 made a confession that the purchase was made from Andra Pradesh by A4 through A2 and A5 and they used the vehicle of A1 to transport the contraband. A1 was immediately remanded on the same day. However, the FIR was registered as against all the accused persons based on the confession of A1. A2 was arrested on 17.10.2024. During the course of investigation, A1 confessed on the involvement of A3, who is said to have accompanied A4 while loading and unloading the contraband. That apart, A1 also identified the house in which he delivered the contraband through which A1 and A2 identified A3. Based on the same, A3 was arrested and remanded to judicial custody on 15.11.2024.

3. The learned counsel for the petitioner submitted that the petitioner is aged about 21 years and he is a college going student and he has been roped in this case only based on the involvement of A4 who is the uncle of the petitioner. The learned counsel for the petitioner that this petitioner does not know about the transactions



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and he does not have the financial wherewithal to send money to the accused persons and that his bank account was operated by A4. The learned counsel for the petitioner submitted that A4, who is the uncle, seems to have used the name of the petitioner and hence the petitioner has been unfortunately roped in this case. The learned counsel submitted that the petitioner has suffered incarceration from 15.11.2024.

4. Per contra, the learned Additional Public Prosecutor relying upon the counter affidavit filed by the respondent police submitted that the involvement of A3 is substantiated by the confession of the co-accused and also the fact that the mobile number of A3 was clearly found in the mobile phone of A1 and that apart, the petitioner had paid a sum of Rs.49,500/- from his bank account on 13.10.2024 and further transferred a sum of Rs.50,000/- from the bank account to the bank account of A1 on 13.10.2024. The contraband came to be seized on 16.10.2024. Thus, there are sufficient materials to show that the petitioner (A3) was also effectively involved in this case. Accordingly, the learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner and sought for dismissal of the petition on the ground that the twin conditions have not been satisfied under Section 37 of the NDPS Act.

5. This Court has carefully considered the submissions made on either side and perused the materials placed on record.



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6. The specific case of the prosecution is that the initial recovery of 85 kgs of ganja was made from the vehicle that was driven by A1. The involvement of the other accused persons came to light based on the confession of A1 and the subsequent confession made by A2. Insofar as the petitioner (A3) is concerned, his involvement was based on the confession of A1 and A2. Apart from that, the prosecution is also relying upon some of the payments that were made from the bank account of the petitioner to A1.

7. The petitioner is a 21 year old boy whose uncle has been arrayed as A4. The actual contact was between A1, A2 and A4. The petitioner's identity seems to have been used by his uncle and thereby, his bank account was operated and his mobile was also given to A1. The petitioner has suffered incarceration in this case from 15.11.2024. The petitioner has strong and arguable case before the Court below and the case is only at the stage of investigation. Exposing the petitioner inside jail for a very long time will also prove to be counterproductive considering the age of the petitioner. This Court also takes into consideration the fact that there are no previous cases against the petitioner. Hence, on the peculiar facts of the case and more particularly based and more particularly on the age of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. Accordingly, the petitioner is ordered to be released on bail on his executing a



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bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for

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a like sum to the satisfaction of the learned Principal Special Court for Trial of NDPS

Act Cases, 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 respondent police on every Saturday and Sunday at 10.30 a.m. until further orders.

[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.

[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 of BNS, 2023.

sd/-
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27/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDGE, PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE, PEW - MELUR POLICE STATION,
MADURAI DISTRICT.
- 3 THE OFFICER INCHARGE, SUB JAIL, MELUR, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-919[I] dated 27/01/2025)

ORDER IN
CRL OP(MD) No.947 of 2025
Date :27/01/2025

RS/IT/SAR-(27.01.2025) 6P 6C
Madurai Bench of Madras High Court is issuing
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