



CRL OP(MD). No.1743 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Esakkimuthu @ Raja

... Petitioner/accused No.2

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.582 of 2023).

... Respondent/Complainant

For Petitioner : Mr.K.Prabhu
Advocate

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

PRAYER :-

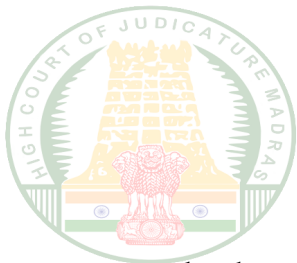
For Bail in Crime No.582 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.01.2025

under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to

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



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grant bail.

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2. The petitioner / accused No.2, was arrested and remanded to judicial custody on 29.12.2023 for the alleged offences under Sections 8(c) and 20(b)(ii)(c) of NDPS Act in C.C.No.170 of 2024 on the file of the I Additional Special Court for NDPS Act, Madurai in Crime No.582 of 2023 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that A1 to A5 have travelled in a vehicle bearing Regn.No.TN 96 F 7778 and the vehicle has been intercepted by the respondent - Police and they have recovered 22kgs of Ganja from all the accused. So far as the petitioner is concerned, he was found in possession of 2 kgs of Ganja. Hence, the case.

4. Mr. V.Kathirvelu, learned Senior counsel appearing for the petitioner submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that according to the prosecution, the respondent - Police intercepted the vehicle bearing Regn. No.TN 96 F 7778 and seized 22 Kgs of Ganja



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and separate Mahazar has been preferred. As per the separate Mahazar only 2 Kgs recovered from the petitioner. Hence, he argued that Section 37 of NDPS Act would not applicable to the petitioner. He further submits that petitioner is in judicial custody from 29.12.2023 and seeks bail.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police submits that the respondent – Police intercepted the vehicle and seized 22 Kgs of Ganja from A1 to A5 and further based on their confession 500 Kgs of Ganja were seized from the co-accused and totally 22.500 Kgs of Ganja recovered from the petitioner and others. He further submits that the contraband recovered is a commercial quantity and hence, Section 37 of NDPS Act is applicable to the petitioner also. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard both sides and this Court has perused the CDR files and materials available on record.

7. Since the contraband recovered is a commercial quantity and sufficient materials also available on record to prove the case, Section 37 of the NDPS Act is



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applicable to the petitioner's case. Hence, this Court is not inclined to enlarge the
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petitioner on bail.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

04/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

1. The Special Judge for POCSO Act Cases,
Nagercoil.
2. The Inspector of Police,
Palugal Police Station,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.1743 of 2025
Date : 04/04/2025

BV (06/05/2025) 4P/ 4C

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