



CRL OP (MD) No.1277 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Santhoshkumar

... Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Padalur Police Station,
Perambalur District.
Crime No.229 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.M.Perumal

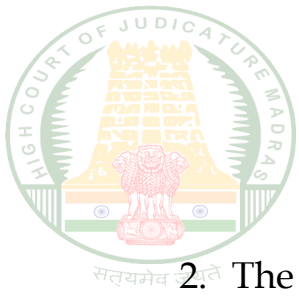
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.229 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 21.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



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2. The petitioner/A5 was arrested and remanded to judicial custody on 11.07.2023 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, in Crime No. 229 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that, based on secret information, on 11.07.2023, at about 4:30 a.m., when the defacto complainant, Sub-Inspector of Police, along with his team, was on surveillance near Chettikulam Dhanalakshmi Petrol Bunk, they found two vehicles (a car and an auto) bearing registration Nos.TN-61-A-4951 and TN-46-K-9723, and that the petitioner and other accused persons were exchanging bags from one vehicle to another. The police apprehended them and found that they were in possession of 20.770 kgs of ganja in the vehicles. The respondent-police seized the vehicles. Hence, the case.

4. Mr.M.Perumal, the learned counsel appearing for the petitioner, submits that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and he has not committed the offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that as per the prosecution case, the contraband was recovered from A1/Nagappa alone. He further submits that the petitioner has been in judicial custody since 11.07.2023 i.e., more than 1½ year and the possibility of



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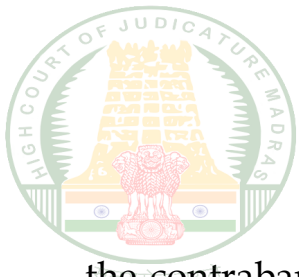
discharging the trial in the near future is doubtful. He therefore prays to grant bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, on instructions, submits that this is the second bail petition filed by the petitioner. Already, the petitioner moved an application in Crl.O.P.(MD)No.11849 of 2024 and the same was dismissed on merits and now, there is no change in circumstances. He further submits that one of the accused persons/ A8 filed a petition to discharge trial and the same is pending, due to which the trial is being delayed. He further submits that the petitioner and other accused persons were arrested on the spot along with A1 and hence, the fact that the petitioner and other accused persons were in constructive possession of the contraband is established. He further submits that the petitioner has two previous cases, out of which one case is related to the offences punishable under Tamil Nadu Prohibition Act and another case is related to the offences punishable under IPC. He further submits that if this Court grants bail to the petitioner, he may abscond and delay the trial proceedings. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. A bare perusal of the First Information Report would prima facie show that



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the contraband was recovered from A1/Nagappa alone. Hence, this Court is of the view that rigours of Section 37 of NDPS Act would not apply to the petitioner. To be noted, this view is recorded only for the limited purpose of deciding the bail petition. This view, in any way, would not prejudice the rights of the prosecution to establish its case during the trial. The petitioner was arrested on 11.07.2023 and has been in judicial custody. The petitioner has two previous cases, which are not similar in nature. Considering the same and also considering the nature of offences alleged against the petitioner and the period of incarceration and taking note of the fact that the possibility of the case getting disposed of in the near future is doubtful, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner 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 Additional District and Sessions Judge, Special Court for EC and NDPS Act cases, Pudukottai;

(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 Additional District and Sessions Judge, Special Court for



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EC and NDPS Act cases, Pudukottai, shall obtain a copy of any one of identity proofs
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to ensure their identity;

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

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

(v) 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;

(vi) The petitioner shall not directly or indirectly cause any threat to the witnesses and to the general public;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Additional District and Sessions Judge, Special Court for EC and NDPS Act cases, Pudukottai;

(viii) The petitioner shall appear and sign before the learned Additional District and Sessions Judge, Special Court for EC and NDPS Act cases, Pudukottai, on all working days at 10.30 a.m., until further orders;

(ix) The petitioner shall not try to contact the defacto complainant either



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directly or through any electronic mode; and

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(x) On breach of any of the aforementioned conditions, the learned Additional District and Sessions Judge, Special Court for EC and NDPS Act cases, Pudukottai 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].

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

sd/-
05/03/2025

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05/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR ECE AND NDPS ACT CASES,
PUDUKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
PADALUR POLICE STATION,
PERAMBALUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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



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ORDER
IN
CRL OP(MD) No.1277 of 2025
Date :05/03/2025

SA/SAR. /05.03.2025/7P/6C

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