



CRL OP(MD). No.1260 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1260 of 2025

Naveen Kumar

... Petitioner/ A1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No.423 of 2023

... Respondent/ Complainant

For Petitioner : Mr.J.Vijayaraja

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.423 of 2023 on the file of the respondent-police.



CRL OP(MD). No.1260 of 2025

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 bail.

2. The petitioner/A1 was arrested and remanded to judicial custody on 04.09.2023 for the alleged offences punishable under Sections 8(c), 20(b)(ii)(C) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 in Crime No.423 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that on 04.09.2023, at about 09.00 a.m, upon receiving secret information, when the defacto complainant, along with his team, was on surveillance near Keelmadurai Railway Station, they found that the petitioner and other accused persons were in possession of 21 kgs. of ganja. Hence the case.

4. Mr.J.Vijayaraja, the learned counsel appearing for the petitioner, submits that this Court already granted bail to A2 in CrI.O.P.(MD)No.20603 of 2024 and A3 in CrI.O.P.(MD)No.11346 of 2024. He therefore submits that since A2 and A3 were granted bail, the petitioner, being a similarly placed person, is entitled for grant of bail and prays to grant bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public



CRL OP(MD). No.1260 of 2025

WEB COPY

Prosecutor appearing for the respondent-police, submits that the possession of the contraband by the petitioner and other accused has been clearly established. Moreover, the petitioner has previous antecedents. If bail is granted to the petitioner, the petitioner may abscond and thereby delay the trial proceedings. Further, he submits that the petitioner has not established any *prima facie* case for grant of bail. In view of the rigours stated under Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985, the petitioner is not entitled for grant of bail. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 04.09.2023 and has been in judicial custody. This Court has already granted bail to A2 and A3 stating that A2 and A3 were arrested one day before the date of alleged recovery. Considering the totality of circumstances, this Court is of the considered view that since A2 and A3 were granted bail, this petitioner, being a similarly placed person, is entitled for bail. It is to be noted that 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. With the above observations, 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:



CRL OP(MD). No.1260 of 2025

WEB COPY

(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 II Additional District Judge, Special court for NDPS Cases, 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 II Additional District Judge, Special court for NDPS Cases, Madurai shall obtain a copy of any one of identity proofs 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 furnish his residential address and mobile number to the learned II Additional District Judge, Special court for NDPS Cases, Madurai ;



CRL OP(MD). No.1260 of 2025

WEB COPY

(vii) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. and 05.00 p.m. until further orders; and

(viii) On breach of any of the aforementioned conditions, the learned II Additional District Judge, Special court for NDPS Cases, Madurai 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/-

24/02/2025

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

MBI

TO

- 1 THE II ADDITIONAL DISTRICT JUDGE,
SPECIAL COURT FOR NDPS CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY AND DISTRICT.



CRL OP(MD). No.1260 of 2025

WEB COPY

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.J.VIJAYARAJA, Advocate (SR-1995[I] dated 24/02/2025)

ORDER
IN

CRL OP(MD) No.1260 of 2025

Date :24/02/2025

SS/SAR- /21/02/2025/ 6P/6C

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