



CRL.OP(MD).No.1528 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.1528 of 2025

M.Selvam @ Selvaraj

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Madurai NIB CID,
Madurai.
(Crime No.2 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.2 of 2024 on the file of the respondent-police.

For Petitioner : Mr.S.Sundarapandian,
Advocate.

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



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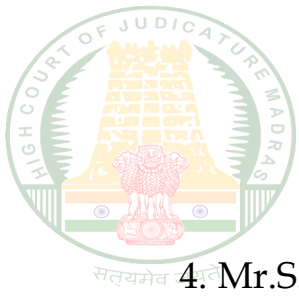
ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 24.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.2 was arrested and remanded to judicial custody on 15.01.2024 for the alleged offences punishable under Sections 8(c) read with 20(b)(ii)(C), 25 and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.2 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 14.01.2024, at 14:30 hours, based on secret information received, the Sub-Inspector of Police, along with a police team, proceeded to Trichy National Highway No. 38, opposite Shell Petrol Bunk, Authukal Junction Pirivu. While conducting surveillance, the petitioner and other accused persons arrived in a four-wheeler bearing Registration No. TN-64-4858 and a two-wheeler (Yamaha Fascino) bearing Registration No.TN-59-CK-4966. Upon noticing the police team, the accused persons attempted to escape. However, they were apprehended by the respondent-police. On search, the police found that the accused persons were in possession of 100 kgs of ganja. The respondent-police seized the contraband, vehicles and mobile phones. Hence, the case.



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4. Mr.S.Sundarapandian, the learned counsel for the petitioner, submits that the petitioner has been arrayed as Accused No.2. He further submits that investigation has been completed and charge sheet has been filed. He further submits that the petitioner has no connection with the alleged offence. The contraband was seized only from Accused Nos. 1 and 3 by the respondent-police. Despite this, the petitioner was arrested and remanded to judicial custody on 15.01.2024 and has been in jail for more than 373 days. He further submits that the petitioner had previously filed a bail application before the Principal Special Court for the Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Madurai, in Crl.M.P.No. 529 of 2024, which was dismissed on 07.03.2024. Subsequently, the respondent-police have filed a charge sheet against the petitioner in C.C. No. 226 of 2024 before the Principal EC & NDPS Court, Madurai, where the case is currently pending. He further submits that the petitioner did not commit any offence as alleged and was not involved in the commission of the alleged offences. Accordingly, he prays to allow this Criminal Original Petition.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that there are totally five accused persons in this case and that the petitioner has been arrayed as A2. He further submits that the investigation has been completed and charge sheet was filed



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on 09.07.2024 and the same was taken on file in C.C.No.226 of 2024 by the Principal
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EC & NDPS Court, Madurai 03.08.2024. He further submits that the petitioner was arrested while driving a four-wheeler bearing Registration No. TN-64-4858 (TATA 207), which was found to be carrying the contraband, and that the said vehicle was also seized from him. Investigation reveals that the Petitioner/A2 was closely associated with the other accused in this case and was actively involved in drug trafficking. While the petitioner resides in Pottapanaiyur, Madurai, his location data indicates that he was present at the scene of crime i.e., Attrukaal Junction. The forensic report received from the Regional Forensic Science Laboratory (RFSL) confirmed the presence of cannabinoids. Although the investigation is complete, A4 has yet to be arrested. If the petitioner is released on bail, it may adversely affect the investigation and the filing of the supplementary charge sheet. He further submits that there are six previous cases against the petitioner of which one case is similar in nature. Hence, he vehemently opposes to enlarge the petitioner on bail. Accordingly, he prays to dismiss the Criminal Original Petition.

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

7. On perusal of records, it is revealed that the contraband seized by the respondent-police comes within a commercial quantity. As per the averments made in FIR, a total of 75 kgs of contraband was in joint possession of the petitioner and



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Accused No.1 and the same was recovered from them. There are sufficient materials available on record to show that the petitioner has also involved in the offence.

Hence, this Court is of the considered view that the petitioner has not satisfied the twin condition stated in Section 37 of the NDPS Act. 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 cause prejudice to the rights of the petitioner to defend the case during the Trial. Considering the above reasons and also considering the facts and circumstances of the case and the overt act alleged against the petitioner, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

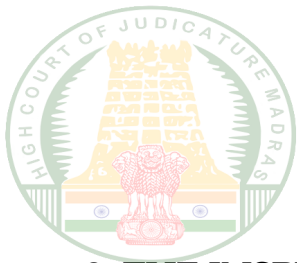
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/04/2025
Sub-Assistant Registrar (C.S.I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF NDPS ACT CASES,
MADURAI.



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2. THE INSPECTOR OF POLICE,
MADURAI NIB CID,
MADURAI.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

ORDER
IN
CRL OP(MD) No.1528 of 2025
Date :01/04/2025

PP//SAR-(15.04.2025) 6P 5C
Madurai Bench of Madras High Court is issuing
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