



CRL OP(MD). No.1863 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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S.Gobi,
S/o Senthurpandi,
9/17 Melatheru,
Arunachalapperi, Nettur,
Alangulm Taluk,
Tenkasi District.

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No. 582/2023.

... Respondent/ Complainant

For Petitioner : Mr.William Christopher.J,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :-

To grant bail to this petitioner in connection with C.C no. 170 of 2024 on the file of the learned 1st Special court for Trial of NDPS Act cases, Madurai

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / Accused No.4 was arrested and remanded to judicial custody on 29.12.2023. The petitioner is facing trial in C.C.No.170 of 2024 on the file of the learned I Special Judge for Trial of NDPS Act cases, Madurai for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "the NDPS Act") in connection with Crime No.582 of 2023 on the file of the respondent-Police.

3. The case of the prosecution is that on 29.12.2023, at about 05.00 a.m., based on secret information, the Inspector of Police, along with his police team, was conducting an inspection near Ayyapuram Villaku in Ilanji to Kuthukal Valasai Main road. At that time, the Accused Persons were riding a white colour Bolero vehicle



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bearing Registration No.TN-96-F-7778. The respondent-police intercepted them and inquired. Upon inquiry, the police noticed that the petitioner along with ten other accused persons were in illegal possession of 22 kgs of Ganja. On seeing the Police, the accused persons attempted to flee away. However, the respondent-police arrested the accused persons and seized 22 kgs of ganja, two sickles, a jio modem and mobile phone from the accused persons. Hence the case.

4. Mr.J.William Christopher, the learned counsel appearing for the petitioner, submits that the petitioner has been falsely implicated in this case and he did not commit any offence as alleged. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner has been in judicial custody since 29.12.2023. He therefore prays to grant bail to the petitioner.

5. *Per contra*, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that if the petitioner is released on bail, there is a possibility of absconding and thereby, the trial proceedings will be delayed. He further submits that the contraband recovered from the accused persons is of commercial quantity. He further submits that the case is posted for trial on 27.02.2025 before the trial Court. Hence, he vehemently opposes to grant bail to the petitioner.



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

7. The respondent-Police seized 22 kgs of ganja on the spot from the accused persons, which constitutes a commercial quantity. The petitioner has not established a *prima facie* case for the grant of bail. The materials collected by the Investigating Agency *prima facie* shows that the petitioner has committed this crime. The petitioner has not satisfied the twin conditions stated in Section 37 of the NDPS Act. In view of the rigours of Section 37 of the NDPS Act and in view of the fact that the case is posted for trial on 27.02.2025 before the trial Court, this Court is not inclined to grant bail to the petitioner. Further more, if bail is granted to the petitioner, he may abscond and thereby delaying the trial. Considering the cumulative circumstances, this Court is not inclined to grant bail to the petitioner at this stage.

8. Since the petitioner has been in incarceration from 29.12.2023, this Court requests the learned I Special Judge for Trial of NDPS Act Cases, Madurai, to conclude the trial in C.C No. 170 of 2024 as expeditiously as possible. The respondent-Police is directed to produce the witnesses and co-operate with the trial Court for expeditious disposal of the case. It is also needless to state that the petitioner shall also co-operate with the trial Court for speedy trial.



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9. With the above observations, this Criminal Original Petition stands dismissed.

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/03/2025

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

TSG
TO

- 1 THE IST SPECIAL JUDGE FOR
TRAIL OF NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.1863 of 2025
Date :25/02/2025

SS/SKN/SAR- /07/03/2025/ 5P/5C

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