



CRL OP (MD) No.2723 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 19/03/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP (MD) No.2723 of 2025

Sudhakar

... Petitioner/ A2

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 : Mrs.A.Devaki,  
Advocate

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 :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 10.02.2025



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under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to  
grant bail.

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2. The petitioner/ Accused No.2 was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 8(c), 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, 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. Mrs.A.Devaki, the learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. She further submits that no contraband was recovered from the petitioner (A2) and that there is no evidence to establish the nexus between the petitioner (A2) and the alleged recovery of ganja. However, she submits that the

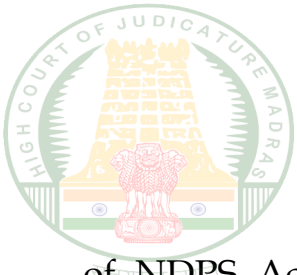


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petitioner is ready to abide by any conditions that may be imposed by this Court. She further submits that the petitioner has been in judicial custody since 11.07.2023. Hence, she prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner is one of the prime accused persons, and that the petitioner, along with the other accused persons, purchased the ganja for re-sale and, while transporting the ganja, they were arrested by the respondent-police. He further submits that the petitioner is a habitual offender and that there are already three previous cases against the petitioner in Crime Nos.47 and 49 of 2019 in Nagapattinam District and Crime No.27 of 2018 in Chennai District, all for possession of ganja, and that in those cases, the petitioner was arrested and later released on bail by the Principal Seat of this Court. He further submits that the petitioner / A2 is facing trial in respect of Crime No.27 of 2018 in C.C.No.138 of 2019 on the file of the EC and NDPS Court, Chennai for the offences punishable under Sections 8(c) read with 20(b)(ii)(C), 25, 23(c), 27A and 29 of NDPS Act, 1985. He further submits that, in the present case, after investigation, final report was filed in C.C.No.30 of 2024 on the file of the learned Additional District Judge, Special Court for NDPS Act Case, Pudukkottai, and the case is pending trial. He further submits that in view of the antecedents of the petitioner and in view of the rigors of Section 37



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of NDPS Act, the petitioner is not entitled to be enlarged on bail. He therefore submits that if the petitioner is enlarged on bail, he will abscond, commit similar offences, and cause threat to the defacto complainant and witnesses. He therefore prays for dismissal of this Criminal Original Petition.

6. Heard on both sides and this Court has perused the case file and connected papers.

7. It is true that the co-accused person / A9 was enlarged on bail by this Court vide order dated 14.03.2024 in Crl.O.P.(MD)No.3684 of 2024 and A6 and A7 were enlarged on bail by this Court vide order dated 27.03.2024 in Crl.O.P.(MD)Nos.4536 & 4600 of 2024 respectively. To be noted, as far as A9 is concerned, he has no previous case similar in nature. As far as, A6 and A7 are concerned, they have no antecedents. Hence, this Court granted bail to those persons.

8. As far as this petitioner is concerned, he moved bail application in Crl.O.P. (MD)No.14930 of 2024 before this Court and the same was dismissed vide order dated 06.09.2024. It is apposite to extract the operative portion of the order hereunder.

"9. Be that as it may, the fact remains that the petitioner has antecedents. In that view of the matter, the petitioner's case cannot be equated to that of the accused enlarged on bail. Even though the petitioner is under long



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incarceration from 11.07.2023, there are materials against the petitioner.

Considering the overall facts and circumstances of the case, I am not able to hold that the period has elongated to the extent of invoking Article 21 of the Constitution of India so as to overlook the rigour of Section 37 of the NDPS Act case. Therefore, I am not inclined to accept the prayer made by the learned counsel for the petitioner to enlarge the petitioner on bail.

10. However, considering the fact that the petitioner is in jail from 11.07.2023, the prosecution should produce all the accused without fail for the next hearing on 10.09.2024.

11. The learned Additional District and Sessions Judge/Presiding Officer, Special Court for EC and NDPS Act Cases, Pudukkottai, is also requested to expedite the trial by posting the case on shorter intervals and complete the same in any event not later than two months from the date of receipt of a copy of this order.

The petitioner has suppressed the above said order. Moreover, the petitioner has four previous cases, out of which, three cases are similar in nature. This case involves commercial quantity. The petitioner is facing trial before the EC and NDPS Court, Chennai in C.C.No.138 of 2019. In view of the antecedents of the petitioner, this Court is of the considered view that the petitioner has not established prima facie



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case. On the other hand, there are sufficient materials available on record to show that the petitioner is involved in the present crime. Hence, the apprehension of the prosecution, if bail is granted to the petitioner, he will abscond is quite reasonable and acceptable. Hence, this Court is not inclined to grant bail to the petitioner at this stage of trial.

9. This Court has perused the e-Court website and it is learnt that the co-accused, namely, A8 filed discharge petition in C.M.P.No.331 of 2025 and the same was dismissed on 12.03.2025. Now, the case is posted to 25.03.2025 for framing of charges. Further, it is learnt that, in this case A1 to A4 are in jail. In view of the facts and circumstances, this Court directs the Trial Court to conclude the trial as early as possible preferably within a period of three months from the date of receipt of a copy of this order.

10. In view of the above observations, this Criminal Original Petition is dismissed.

sd/-  
19/03/2025

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/03/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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mbi  
TO

- 1 THE ADDITIONAL DISTRICT AND  
SESSIONS JUDGE / PRESIDING OFFICER,  
SPECIAL COURT FOR EC AND NDPS ACT CASES,  
PUDUKKOTTAI.
- 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.

ORDER  
IN  
CRL OP(MD) No.2723 of 2025  
Date :19/03/2025

HPS/SAR / 27.03.2025/7P/5C

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