



CRL OP(MD). No.2939 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2939 of 2025

P.S.Shankar Ram

... Petitioner/ Accused No.2

Vs

The Union of India,
Through Jr. Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit.
(Ncb F.No.48/1/21/2023/ncb/mds).

... Respondent/Complainant

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

For Respondent : Mr.Arul Vadivel @ Sekar,
Special Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :To release the petitioner/accused no.2 on bail in C.C.No. 136/2024 on the file of the Learned Principal Special Court for NDPS Act Cases, Madurai and thus render justice.



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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 13.02.2025 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 29.10.2023. The petitioner is facing trial in C.C.No.136 of 2024 on the file of the learned Principal Special Court for NDPS Act Cases, Madurai, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(C), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as "the NDPS Act") in connection with NCB F.No.48/1/21/2023/NCB/MDS on the file of the respondent-Police.

3. The case of the prosecution is that on 29.10.2023, at around 07.00 hours, based on secret information, the respondent along with his team, was conducting an inspection near Madurai-Kanyakumari Highway, Kumbakonam Degree Coffee Shop, Nallamanayakkanpatti Village, Thirumangalam Taluk, Madurai District. At that time, the Accused Person was riding a vehicle bearing Registration No.KA 51 MR 4118. The respondent-police intercepted the car and enquired. Upon enquiry, the police noticed that the petitioner along with other accused persons were in illegal possession of 122.62 kgs of Ganja(Contraband). Thereafter, the respondent-



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police arrested the accused persons and seized 122.62 kgs of ganja and vehicle.

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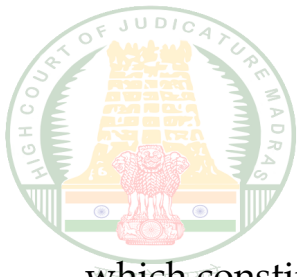
Hence, the case.

4. Mr.M.Jegadeesh Pandian, 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 29.10.2023. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.Arul Vadivel @ Sekar, learned Special 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. Hence, he vehemently opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records and complaint copy and other annexure.

7. In view of complaint copy and other annexure, there are sufficient materials available on record to show that the petitioner involved in the offence. The respondent-Police seized 122.62 kgs of ganja on the spot from the accused persons,



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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 statement of Section 37 of the NDPS Act, 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. With the above observations, this Criminal Original Petition stands dismissed.

sd/-
04/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg
TO

1 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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2.The Union of India,
Through Jr. Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit.
(Ncb F.No.48/1/21/2023/ncb/mds).

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.2939 of 2025
Date :04/04/2025

MK/SAR /02.05.2025 5P/4C

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